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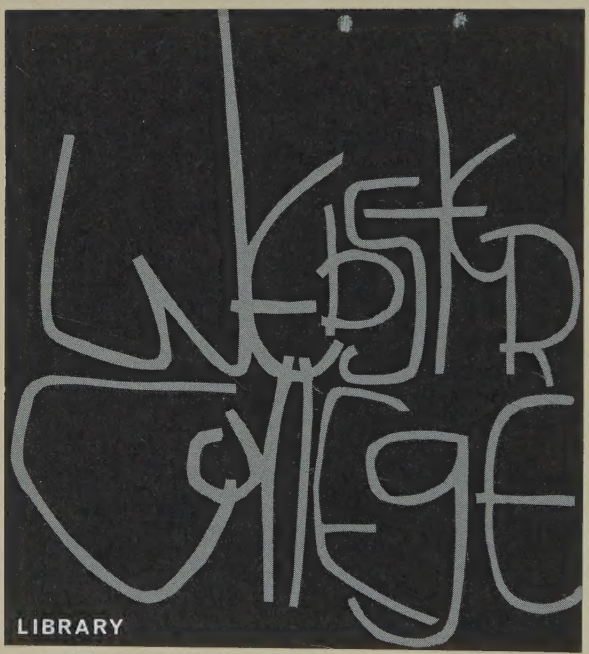

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PAPERS RELATING TO THE FOREIGN RELATIONS OF THE UNITED STATES

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WITH THE ADDRESS OF THE PRESIDENT TO CONGRESS DECEMBER 7, 1915 :: :: ::

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CONTENTS.

[For alphabetical index, see end of volume.]

	Page.
Address of the President, annual	IX
List of papers, in chronological order, with subjects of correspondence	XXV
War of 1914–1919, note	1
Circulars:	
Abrogation of provisions of certain treaties conflicting with the Seamen's Act of March 4, 1915. Acceptance of the abrogation by Bolivia and Great Britain	3
Postponement of the opening of the Panama Canal	12
Pan American Medical Conference	15
International Congress on Education	16
International Engineering Congress	16
International Dry Farming Congress	17
Second Pan American Scientific Congress	18
First Pan American Financial Conference and High Commission	20
(*See also* International expositions, conferences, and congresses.)	
Radio communication in the American Hemisphere	24
Conditions of enlistment of Americans in foreign armies involving their expatriation	25
Attitude of the United States towards Latin America	25
Application of section 13 of the seamen's act of March 4, 1915 to foreign vessels	26
Argentina:	
First Pan American Financial Conference and High Commission. (*See* Circulars.)	
Message of the President, Victorino de la Plaza, to the Congress	28
Bolivia:	
Treaty for the advancement of general peace, concluded between the United States and Bolivia	30
Abrogation by the United States of article 34 of the Treaty of May 13, 1858, between the United States and Bolivia. Acceptance thereof by Bolivia. (*See* Circular.)	
Boundary agreement between Bolivia and Paraguay	32
Brazil:	
Message of the President, Wenceslau Braz P. Gomes, to the Congress	34
Chile:	
Message of the President, Ramón Barros Luco, to the Congress	35
Rules and regulations for cable and wireless messages	36
China:	
Treaty for the advancement of general peace, concluded between the United States and China	42
Message of the President, Yuan Shih K'ai, to the Council of State acting in the capacity of Li Fa Yuan (national legislative body). (*See* Political affairs.)	
Political affairs: Constitutional reform; movement to restore monarchical government in China; attitude of the United States	44
Relations between China and Japan; "Twenty-one demands" on China made by Japan; attitude of the United States	79
Claims of American citizens against China growing out of the Revolution of 1911–1912 and the Revolt of 1913; assent of interested governments to return to the Chinese Government of unused balance of claims fund; negotiations regarding allocation of revenues for claims purposes	206
Huai River Conservancy project; extension of Red Cross option	212

Page.

China—Continued.
Taxation of foreigners; new stamp tax; interpretation of the Treaty of 1903 in relation to Chinese internal taxes and to the status of treaty ports ... 216
Infringement of American trade-marks in China. Vaseline trade-mark case: The Chesebrough Manufacturing Co. *vs.* Yung Ch'i Hsiang et al ... 231
Third International Opium Conference. (*See* Netherlands.)
International Opium Convention and Final Protocol. (*See* International Conventions.)
Restriction of immigration of Chinese to Cuba. (*See* Cuba.)
Protection of Chinese interests in Mexico. (*See* Mexico.)
Protection of Chinese interests in Panama. (*See* Panama.)
Discrimination in railroad rates. (*See* Japan.)

Colombia:
Assumption of the Presidency by José Vicente Concha ... 258
Correspondence relating to the Treaty of April 6, 1914, between the United States and Colombia ... 259

Costa Rica:
Boundary dispute with Panama. (*See* Panama.)
Protest of Costa Rica against proposed Nicaragua canal treaty. (*See* Nicaragua.)
Protest of the United States against the presence in Costa Rica of certain Nicaraguan revolutionists ... 264

Cuba:
Restriction of immigration of Chinese to Cuba; good offices of the United States ... 267

Denmark:
Treaty for the advancement of general peace, concluded between the United States and Denmark ... 276

Dominican Republic:
Political affairs; revolutionary movements; attitude of the United States ... 279
Financial affairs; Dominican objection to the financial adviser; attitude of the United States; Commission sent by the Dominican Government to the United States; appointment of employees of the customs service ... 297

Ecuador:
Claims of the Guayaquil & Quito Railway Co. against Ecuador; declaration by Ecuador of lapse of arbitration agreement; resolution to prosecute the company. Protest of the United States; denial by Ecuador of propriety of diplomatic action. Cessation of bond service. Loan solicited by Ecuador; loan stipulations made by the United States rejected ... 340
Imprisonment of M. D. Strong, an American citizen ... 373

France:
Treaty for the advancement of general peace, concluded between the United States and France ... 380
Agreement between the United States and France extending time for appointment of the commission under article 2 of the above treaty ... 383
Liability to French military service of naturalized American citizens of French origin and of American-born children of French parentage ... 384
Taxation of the Compagnie Française des Câbles Télégraphiques, a French company, in the United States ... 390
Protection of French interests in Mexico. (*See* Mexico.)
French Protectorate in Morocco. (*See* Morocco.)
French interests in Haiti. (*See* Haiti: Financial affairs, under date of February 20.)

Germany:
Page.
Arrest of W. Müller, German Consul at Seattle, Wash., and search of the consulate by police officers 404
Great Britain:
Agreement between the United States and Great Britain extending time for appointment of the commission under article 2 of the Treaty of September 15, 1914 413
Abrogation by the United States of the Treaty of June 3, 1892, between the United States and Great Britain, conflicting with the Seamen's Act of March 4, 1915. Acceptance thereof by Great Britain. (*See* Circulars: Abrogation of provisions of certain treaties, etc.)
Abrogation by the United States of article 10 of the Treaty of October 2, 1886, between the United States and Tonga. (*See* Circulars: Abrogation of provisions of certain treaties, etc.)
Killing of Walter Smith and wounding of Charles Dorsch, American citizens, by soldiers of the Canadian militia 414
Copyright on unpublished musical works for reproduction by mechanical musical contrivances granted by the United States and Great Britain reciprocally 423
Guatemala:
Agreement between the United States and Guatemala extending time for appointment of the commission under article 2 of the Treaty of September 20, 1913. Effected by exchange of notes signed November 3, 1915 429
Message of the President, Manuel Estrada Cabrera, to the National Legislative Assembly 430
Haiti:
Conclusion of a treaty between the United States and Haiti for the financial and economic development and tranquillity of Haiti; conclusion of a modus vivendi 431
Political affairs; revolutionary movements; escape of President Theodore; election of President Vilbrun Guillaume Sam. Commission sent to Haiti by the United States to compose difficulties. Murder of President Guillaume. Landing of American marines and pacification of Haiti by American forces. Election of President Dartiguenave; recognition of his Government by the United States 461
Financial affairs; difficulties between the National Bank of the Republic of Haiti and the Haitian Government; customhouses taken in charge by American naval forces 496
Controversy between the National Railroad Company of Haiti and the Government of Haiti 538
Honduras:
Message of the President, Francisco Bertrand, to the Congress 550
Italy:
Treaty for the advancement of general peace, concluded between the United States and Italy 551
Agreement between the United States and Italy extending time for appointment of the commission under article 2 of the above treaty 553
Liability to military service, upon return to Italy, of: (1) Naturalized American citizens of Italian birth; (2) persons born in the United States of Italian parents before the naturalization of the parents; (3) persons so born after such naturalization. Dual citizenship. Correspondence relating to negotiation of a naturalization convention 554

Page.

Japan:
Coronation of Emperor Yoshihito 585
Relations between China and Japan; "Twenty-one demands" on China by Japan; attitude of the United States. (*See* China.)
Extradition of John Eills for perjury refused by Japan 587
Discrimination in freight rates affecting equality of commercial opportunity in China; protest of the United States 594

Liberia:
Message of the President, Daniel E. Howard, to the Legislature 626
Political affairs; uprisings of native tribes; assistance rendered by the United States 627
Financial affairs 635

Mexico:
Political affairs: Provincial presidencies of Gutierrez, Garza, and Cházaro; successive occupations of the capital by various Conventionist factions and Carranza. Conditions resulting from disorders; representations made by the United States to the various chiefs, and efforts to neutralize the capital and railways. Removal of Conventionist Government to Chihuahua. Villa's manifesto. Appeal and statement of policy made by the President to the various chiefs. Carranza's manifesto. International conference on Mexican affairs of plenipotentiaries of the United States, Argentina, Brazil, Chile, Bolivia, Uruguay, and Guatemala; conference attempt to induce factions to agree on provisional government. Recognition of Carranza's de facto government by the conferring powers. Surrender of Villistas; escape of Villa. Operations of Pelaez in Tuxpam oil fields 643
Embargo on the Exportation of arms and munitions of war to Mexico, and exceptions thereto 780
Firing and raids across the boundary line by Mexican troops and bandits; preventive measures taken by the United States 786
Closure of the port of Progreso 821
Transportation of wounded Mexican soldiers through United States territory; attitude of the United States 825
Application for the extradition of General Huerta 827
Claims of American citizens against Mexico for damages arising from revolutionary disturbances 836
Protection of American citizens and interests; withdrawal of Americans from Mexico 837
Murder of John B. McManus, an American citizen, and payment of an indemnity therefor 866
Protection of American oil interests 870
Protection of American mining interests 892
Taxation of American citizens 963
Forced loans imposed on American citizens 983
Treatment of religious orders in Mexico; attitude of the United States 1004
Protection by the United States of British, Spanish, French, German, Turkish, and Chinese interests in Mexico—
British interests: estate of W. S. Benton 1030
Spanish interests 1032
Expulsion of the Spanish Minister from Mexico; good offices of the United States 1049
French interests 1056
German interests 1071
Turkish interests 1072
Chinese interests 1087

Page.

Morocco:
French Protectorate in Morocco; protest of the United States against removal of certain cases from the civil to the French military courts ... 1097
Netherlands:
Arbitration agreement between the United States and the Netherlands extending the duration of the Convention of May 2, 1908 ... 1099
Third International Opium Conference; final protocol; protocol of ratification of the International Opium Convention; proclamation of the convention by the United States ... 1100
(*See also* International conventions.)
Nicaragua:
Protest of the United States against the presence in Costa Rica of certain Nicaraguan revolutionists. (*See* Costa Rica.)
Proposed interoceanic canal treaty between the United States and Nicaragua, and protests of Salvador and Costa Rica in relation thereto ... 1104
Protection by the American Legation of Chinese citizens residing in Nicaragua ... 1119
Norway:
Agreement between the United States and Norway extending time for appointment of the commission under article 2 of the Treaty of June 24, 1914, effected by exchange of notes ... 1122
Panama:
Panama Canal Zone boundary convention between the United States and Panama ... 1123
Boundary dispute between Costa Rica and Panama; refusal of Panama to accept the award; protest of Costa Rica against occupation by Panama of territory north of Punta Burica; acceptance by Costa Rica of the good offices of the United States tendered to both parties ... 1131
Control by the United States of wireless telegraph stations in Panama ... 1155
Assaults on American citizens in Panama:
I. Riot at Cocoa Grove, Panama City, July 4, 1912; protest of the United States against dismissal of the cases against Panaman police officers; indemnity demand of the United States submitted to arbitration; protocol of submission to determination by the Minister of the Netherlands of the amount of damages ... 1162
II. Fight at Cocoa Grove, February 14, 1915 ... 1186
III. Riot at Colon, April 2, 1915; killing of Corporal Langdon ... 1194
IV. Proposal to demand delivery to the Canal authorities of the rifles of the Panaman police, for storage ... 1221
Payment by Panama of an indemnity for the death of William T. Harrington, an American citizen, due to torture in prison ... 1240
Protection of Chinese interests in Panama; good offices of the American Legation ... 1262
Paraguay:
Treaty for the advancement of general peace, concluded between the United States and Paraguay ... 1275
Agreement between the United States and Paraguay extending time for appointment of the commission under article 2 of the above treaty ... 1277
Boundary agreement between Bolivia and Paraguay. (*See* Bolivia.)

Page.

Peru:
Treaty for the advancement of general peace, concluded between the United States and Peru 1279
Portugal:
Agreement between the United States and Portugal extending time for the appointment of the commission under article 2 of the Treaty of February 4, 1914 1282
Russia:
Treaty for the advancement of general peace, concluded between the United States and Russia 1283
Protocol of agreement between the United States and Russia concerning the exportation of embargoed goods from Russia to the United States 1285
Salvador:
Message of the President, Alfonso Quiñones M., to the National Assembly 1288
Protest of Salvador against a proposed Nicaragua canal treaty. (*See* Nicaragua.)
Spain:
Agreement between the United States and Spain extending time for appointment of the commission under article 2 of the Treaty of September 15, 1914 1289
Protection of Spanish interests in Mexico by the United States. (*See* Mexico.)
Sweden:
Treaty for the advancement of general peace, concluded between the United States and Sweden 1290
Agreement between the United States and Sweden extending time for appointment of the commission under article 2 of the above treaty .. 1293
Switzerland:
Protection by the United States of citizens of Switzerland in Turkey .. 1294
Turkey:
Attempted abrogation by Turkey of the capitulations. Refusal of the United States to acquiesce 1301
Uruguay:
Treaty for the advancement of general peace, concluded between the United States and Uruguay 1307
Message of the President, José Batlle y Ordóñez, to the National Assembly 1309
International expositions, conferences, and congresses held in the United States 1310
Panama-California International Exposition 1310
Panama-Pacific International Exposition 1310
First Pan-American Financial Conference and International High Commission on uniform legislation 1310
International Congress on Education 1310
Second Pan American Scientific Congress 1310
(*See also* Circulars.)
International Conventions:
Convention and Final Protocol between the United States and other Powers for the suppression of the abuse of Opium and other drugs .. 1311
Index 1313

ADDRESS OF THE PRESIDENT.

Gentlemen of the Congress:

Since I last had the privilege of addressing you on the state of the Union the war of nations on the other side of the sea, which had then only begun to disclose its portentous proportions, has extended its threatening and sinister scope until it has swept within its flame some portion of every quarter of the globe, not excepting our own hemisphere, has altered the whole face of international affairs, and now presents a prospect of reorganization and reconstruction such as statesmen and peoples have never been called upon to attempt before.

We have stood apart, studiously neutral. It was our manifest duty to do so. Not only did we have no part or interest in the policies which seem to have brought the conflict on; it was necessary, if a universal catastrophe was to be avoided, that a limit should be set to the sweep of destructive war and that some part of the great family of nations should keep the processes of peace alive, if only to prevent collective economic ruin and the breakdown throughout the world of the industries by which its populations are fed and sustained. It was manifestly the duty of the self-governed nations of this hemisphere to redress, if possible, the balance of economic loss and confusion in the other, if they could do nothing more. In the day of readjustment and recuperation we earnestly hope and believe that they can be of infinite service.

In this neutrality, to which they were bidden not only by their separate life and their habitual detachment from the politics of Europe but also by a clear perception of international duty, the states of America have become conscious of a new and more vital community of interest and moral partnership in affairs, more clearly conscious of the many common sympathies and interests and duties which bid them stand together.

There was a time in the early days of our own great nation and of the republics fighting their way to independence in Central and South America when the government of the United States looked upon itself as in some sort the guardian of the republics to the south of her as against any encroachments or efforts at political control from the other side of the water; felt it its duty to play the part even without invitation from them; and I think that we can claim that the task was undertaken with a true and disinterested enthusiasm for the freedom of the Americas and the unmolested self-government of her independent peoples. But it was always difficult to maintain such a rôle without offence to the pride of the peoples

whose freedom of action we sought to protect, and without provoking serious misconceptions of our motives, and every thoughtful man of affairs must welcome the altered circumstances of the new day in whose light we now stand, when there is no claim of guardianship or thought of wards but, instead, a full and honorable association as of partners between ourselves and our neighbours, in the interest of all America, north and south. Our concern for the independence and prosperity of the states of Central and South America is not altered. We retain unabated the spirit that has inspired us throughout the whole life of our government and which was so frankly put into words by President Monroe. We still mean always to make a common cause of national independence and of political liberty in America. But that purpose is now better understood so far as it concerns ourselves. It is known not to be a selfish purpose. It is known to have in it no thought of taking advantage of any government in this hemisphere or playing its political fortunes for our own benefit. All the governments of America stand, so far as we are concerned, upon a footing of genuine equality and unquestioned independence.

We have been put to the test in the case of Mexico, and we have stood the test. Whether we have benefited Mexico by the course we have pursued remains to be seen. Her fortunes are in her own hands. But we have at least proved that we will not take advantage of her in her distress and undertake to impose upon her an order and government of our own choosing. Liberty is often a fierce and intractable thing, to which no bounds can be set, and to which no bounds of a few men's choosing ought ever to be set. Every American who has drunk at the true fountains of principle and tradition must subscribe without reservation to the high doctrine of the Virginia Bill of Rights, which in the great days in which our government was set up was everywhere amongst us accepted as the creed of freemen. That doctrine is, "That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community;" that "of all the various modes and forms of government, that is the best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that, when any government shall be found indadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal." We have unhesitatingly applied that heroic principle to the case of Mexico, and now hopefully await the rebirth of the troubled Republic, which had so much of which to purge itself and so little sympathy from any outside quarter in the radical but necessary process. We will aid and befriend Mexico, but

we will not coerce her; and our course with regard to her ought to be sufficient proof to all America that we seek no political suzerainty or selfish control.

The moral is, that the states of America are not hostile rivals but coöperating friends, and that their growing sense of community of interest, alike in matters political and in matters economic, is likely to give them a new significance as factors in international affairs and in the political history of the world. It presents them as in a very deep and true sense a unit in world affairs, spiritual partners, standing together because thinking together, quick with common sympathies and common ideals. Separated they are subject to all the cross currents of the confused politics of a world of hostile rivalries; united in spirit and purpose they cannot be disappointed of their peaceful destiny.

This is Pan-Americanism. It has none of the spirit of empire in it. It is the embodiment, the effectual embodiment, of the spirit of law and independence and liberty and mutual service.

A very notable body of men recently met in the City of Washington, at the invitation and as the guests of this Government, whose deliberations are likely to be looked back to as marking a memorable turning point in the history of America. They were representative spokesmen of the several independent states of this hemisphere and were assembled to discuss the financial and commercial relations of the republics of the two continents which nature and political fortune have so intimately linked together. I earnestly recommend to your perusal the reports of their proceedings and of the actions of their committees. You will get from them, I think, a fresh conception of the ease and intelligence and advantage with which Americans of both continents may draw together in practical coöperation and of what the material foundations of this hopeful partnership of interest must consist,—of how we should build them and of how necessary it is that we should hasten their building.

There is, I venture to point out, an especial significance just now attaching to this whole matter of drawing the Americas together in bonds of honorable partnership and mutual advantage because of the economic readjustments which the world must inevitably witness within the next generation, when peace shall have at last resumed its healthful tasks. In the performance of these tasks I believe the Americas to be destined to play their parts together. I am interested to fix your attention on this prospect now because unless you take it within your view and permit the full significance of it to command your thought I can not find the right light in which to set forth the particular matter that lies at the very front of my whole thought as I address you to-day. I mean national defense.

No one who really comprehends the spirit of the great people for whom we are appointed to speak can fail to perceive that their passion is for peace, their genius best displayed in the practice of the arts of peace. Great democracies are not belligerent. They do not seek or desire war. Their thought is of individual liberty and of the free labour that supports life and the uncensored thought that quickens it. Conquest and dominion are not in our reckoning, or agreeable to our principles. But just because we demand unmolested development and the undisturbed government of our own lives upon our own principles of right and liberty, we resent, from whatever quarter it may come, the aggression we ourselves will not practice. We insist upon security in prosecuting our self-chosen lines of national development. We do more than that. We demand it also for others. We do not confine our enthusiasm for individual liberty and free national development to the incidents and movements of affairs which affect only ourselves. We feel it wherever there is a people that tries to walk in these difficult paths of independence and right. From the first we have made common cause with all partisans of liberty on this side the sea, and have deemed it as important that our neighbours should be free from all outside domination as that we ourselves should be; have set America aside as a whole for the uses of independent nations and political freemen.

Out of such thoughts grow all our policies. We regard war merely as a means of asserting the rights of a people against aggression. And we are as fiercely jealous of coercive or dictatorial power within our own nation as of aggression from without. We will not maintain a standing army except for uses which are as necessary in times of peace as in times of war; and we shall always see to it that our military peace establishment is no larger than is actually and continuously needed for the uses of days in which no enemies move against us. But we do believe in a body of free citizens ready and sufficient to take care of themselves and of the governments which they have set up to serve them. In our constitutions themselves we have commanded that "the right of the people to keep and bear arms shall not be infringed," and our confidence has been that our safety in times of danger would lie in the rising of the Nation to take care of itself, as the farmers rose at Lexington.

But war has never been a mere matter of men and guns. It is a thing of disciplined might. If our citizens are ever to fight effectively upon a sudden summons, they must know how modern fighting is done, and what to do when the summons comes to render themselves immediately available and immediately effective. And the government must be their servant in this matter, must supply them with the training they need to take care of themselves and of it. The military arm of their government, which they will not allow to direct

them, they may properly use to serve them and make their independence secure,—and not their own independence merely but the rights also of those with whom they have made common cause, should they also be put in jeopardy. They must be fitted to play the great rôle in the world, and particularly in this hemisphere, for which they are qualified by principle and by chastened ambition to play.

It is with these ideals in mind that the plans of the Department of War for more adequate national defense were conceived which will be laid before you, and which I urge you to sanction and put into effect as soon as they can be properly scrutinized and discussed. They seem to me the essential first steps, and they seem to me for the present sufficient.

They contemplate an increase of the standing force of the regular army from its present strength of five thousand and twenty-three officers and one hundred and two thousand nine hundred and eighty-five enlisted men of all services to a strength of seven thousand one hundred and thirty-six officers and one hundred and thirty-four thousand seven hundred and seven enlisted men, or 141,843, all told, all services, rank and file, by the addition of fifty-two companies of coast artillery, fifteen companies of engineers, ten regiments of infantry, four regiments of field artillery, and four aero squadrons, besides seven hundred and fifty officers required for a great variety of extra service, especially the all important duty of training the citizen force of which I shall presently speak, seven hundred and ninety-two non-commissioned officers for service in drill, recruiting and the like, and the necessary quota of enlisted men for the Quartermaster Corps, the Hospital Corps, the Ordnance Department, and other similar auxiliary services. These are the additions necessary to render the army adequate for its present duties, duties which it has to perform not only upon our own continental coasts and borders and at our interior army posts, but also in the Philippines, in the Hawaiian Islands, at the Isthmus, and in Porto Rico.

By way of making the country ready to assert some part of its real power promptly and upon a larger scale, should occasion arise, the plan also contemplates supplementing the army by a force of four hundred thousand disciplined citizens, raised in increments of one hundred and thirty-three thousand a year throughout a period of three years. This it is proposed to do by a process of enlistment under which the serviceable men of the country would be asked to bind themselves to serve with the colors for purposes of training for short periods throughout three years, and to come to the colors at call at any time throughout an additional "furlough" period of three years. This force of four hundred thousand men would be provided with personal accoutrements as fast as enlisted and their equipment for the field made ready to be supplied at any time. They would be

assembled for training at stated intervals at convenient places in association with suitable units of the regular army. Their period of annual training would not necessarily exceed two months in the year.

It would depend upon the patriotic feeling of the younger men of the country whether they responded to such a call to service or not. It would depend upon the patriotic spirit of the employers of the country whether they made it possible for the younger men in their employ to respond under favorable conditions or not. I, for one, do not doubt the patriotic devotion either of our young men or of those who give them employment,—those for whose benefit and protection they would in fact enlist. I would look forward to the success of such an experiment with entire confidence.

At least so much by way of preparation for defense seems to me to be absolutely imperative now. We cannot do less.

The programme which will be laid before you by the Secretary of the Navy is similarly conceived. It involves only a shortening of the time within which plans long matured shall be carried out; but it does make definite and explicit a programme which has heretofore been only implicit, held in the minds of the Committees on Naval Affairs and disclosed in the debates of the two Houses but nowhere formulated or formally adopted. It seems to me very clear that it will be to the advantage of the country for the Congress to adopt a comprehensive plan for putting the navy upon a final footing of strength and efficiency and to press that plan to completion within the next five years. We have always looked to the navy of the country as our first and chief line of defense; we have always seen it to be our manifest course of prudence to be strong on the seas. Year by year we have been creating a navy which now ranks very high indeed among the navies of the maritime nations. We should now definitely determine how we shall complete what we have begun, and how soon.

The programme to be laid before you contemplates the construction within five years of ten battleships, six battle cruisers, ten scout cruisers, fifty destroyers, fifteen fleet submarines, eighty-five coast submarines, four gunboats, one hospital ship, two ammunition ships, two fuel oil ships, and one repair ship. It is proposed that of this number we shall the first year provide for the construction of two battle ships, two battle cruisers, three scout cruisers, fifteen destroyers, five fleet submarines, twenty-five coast submarines, two gunboats, and one hospital ship; the second year, two battleships, one scout cruiser, ten destroyers, four fleet submarines, fifteen coast submarines, one gun boat, and one fuel oil ship; the third year, two battle ships, one battle cruiser, two scout cruisers, five destroyers, two fleet submarines, and fifteen coast submarines; the fourth year, two battle ships, two battle cruisers, two scout cruisers, ten destroyers, two fleet

submarines, fifteen coast submarines, one ammunition ship, and one fuel oil ship; and the fifth year, two battle ships, one battle cruiser, two scout cruisers, ten destroyers, two fleet submarines, fifteen coast submarines, one gunboat, one ammunition ship, and one repair ship.

The Secretary of the Navy is asking also for the immediate addition to the personnel of the navy of seven thousand five hundred sailors, twenty-five hundred apprentice seamen, and fifteen hundred marines. This increase would be sufficient to care for the ships which are to be completed within the fiscal year 1917 and also for the number of men which must be put in training to man the ships which will be completed early in 1918. It is also necessary that the number of midshipmen at the Naval academy at Annapolis should be increased by at least three hundred in order that the force of officers should be more rapidly added to; and authority is asked to appoint, for engineering duties only, approved graduates of engineering colleges, and for service in the aviation corps a certain number of men taken from civil life.

If this full programme should be carried out we should have built or building in 1921, according to the estimates of survival and standards of classification followed by the General Board of the Department, an effective navy consisting of twenty-seven battleships, of the first line, six battle cruisers, twenty-five battleships of the second line, ten armored cruisers, thirteen scout cruisers, five first class cruisers, three second class cruisers, ten third class cruisers, one hundred and eight destroyers, eighteen fleet submarines, one hundred and fifty-seven coast submarines, six monitors, twenty gunboats, four supply ships, fifteen fuel ships, four transports, three tenders to torpedo vessels, eight vessels of special types, and two ammunition ships. This would be a navy fitted to our needs and worthy of our traditions.

But armies and instruments of war are only part of what has to be considered if we are to provide for the supreme matter of national self-sufficiency and security in all its aspects. There are other great matters which will be thrust upon our attention whether we will or not. There is, for example, a very pressing question of trade and shipping involved in this great problem of national adequacy. It is necessary for many weighty reasons of national efficiency and development that we should have a great merchant marine. The great merchant fleet we once used to make us rich, that great body of sturdy sailors who used to carry our flag into every sea, and who were the pride and often the bulwark of the nation, we have almost driven out of existence by inexcusable neglect and indifference and by a hopelessly blind and provincial policy of so-called economic protection. It is high time we repaired our mistake and resumed our commercial independence on the seas.

For it is a question of independence. If other nations go to war or seek to hamper each other's commerce, our merchants, it seems, are at their mercy, to do with as they please. We must use their ships, and use them as they determine. We have not ships enough of our own. We cannot handle our own commerce on the seas. Our independence is provincial, and is only on land and within our own borders. We are not likely to be permitted to use even the ships of other nations in rivalry of their own trade, and are without means to extend our commerce even where the doors are wide open and our goods desired. Such a situation is not to be endured. It is of capital importance not only that the United States should be its own carrier on the seas and enjoy the economic independence which only an adequate merchant marine would give it, but also that the American hemisphere as a whole should enjoy a like independence and self-sufficiency, if it is not to be drawn into the tangle of European affairs. Without such independence the whole question of our political unity and self-determination is very seriously clouded and complicated indeed.

Moreover, we can develop no true or effective American policy without ships of our own,—not ships of war, but ships of peace, carrying goods and carrying much more: creating friendships and rendering indispensable services to all interests on this side the water. They must move constantly back and forth between the Americas. They are the only shuttles that can weave the delicate fabric of sympathy, comprehension, confidence, and mutual dependence in which we wish to clothe our policy of America for Americans.

The task of building up an adequate merchant marine for America private capital must ultimately undertake and achieve, as it has undertaken and achieved every other like task amongst us in the past, with admirable enterprise, intelligence, and vigor; and it seems to me a manifest dictate of wisdom that we should promptly remove every legal obstacle that may stand in the way of this much to be desired revival of our old independence and should facilitate in every possible way the building, purchase, and American registration of ships. But capital cannot accomplish this great task of a sudden. It must embark upon it by degrees, as the opportunities of trade develop. Something must be done at once; done to open routes and develop opportunities where they are as yet undeveloped; done to open the arteries of trade where the currents have not yet learned to run,—especially between the two American continents, where they are, singularly enough, yet to be created and quickened; and it is evident that only the government can undertake such beginnings and assume the initial financial risks. When the risk has passed and private capital begins to find its way in sufficient abundance into these new channels, the government may withdraw. But it cannot

omit to begin. It should take the first steps, and should take them at once. Our goods must not lie piled up at our ports and stored upon side tracks in freight cars which are daily needed on the roads; must not be left without means of transport to any foreign quarter. We must not await the permission of foreign ship-owners and foreign governments to send them where we will.

With a view to meeting these pressing necessities of our commerce and availing ourselves at the earliest possible moment of the present unparalleled opportunity of linking the two Americas together in bonds of mutual interest and service, an opportunity which may never return again if we miss it now, proposals will be made to the present Congress for the purchase or construction of ships to be owned and directed by the government similar to those made to the last Congress, but modified in some essential particulars. I recommend these proposals to you for your prompt acceptance with the more confidence because every month that has elapsed since the former proposals were made has made the necessity for such action more and more manifestly imperative. That need was then foreseen; it is now acutely felt and everywhere realized by those for whom trade is waiting but who can find no conveyance for their goods. I am not so much interested in the particulars of the programme as I am in taking immediate advantage of the great opportunity which awaits us if we will but act in this emergency. In this matter, as in all others, a spirit of common counsel should prevail, and out of it should come an early solution of this pressing problem.

There is another matter which seems to me to be very intimately associated with the question of national safety and preparation for defense. That is our policy towards the Philippines and the people of Porto Rico. Our treatment of them and their attitude towards us are manifestly of the first consequence in the development of our duties in the world and in getting a free hand to perform those duties. We must be free from every unnecessary burden or embarrassment; and there is no better way to be clear of embarrassment than to fulfil our promises and promote the interests of those dependent on us to the utmost. Bills for the alteration and reform of the government of the Philippines and for rendering fuller political justice to the people of Porto Rico were submitted to the sixty-third Congress. They will be submitted also to you. I need not particularize their details. You are most of you already familiar with them. But I do recommend them to your early adoption with the sincere conviction that there are few measures you could adopt which would more serviceably clear the way for the great policies by which we wish to make good, now and always, our right to lead in enterprises of peace and good will and economic and political freedom.

The plans for the armed forces of the nation which I have outlined, and for the general policy of adequate preparation for mobilization and defense, involve of course very large additional expenditures of money,—expenditures which will considerably exceed the estimated revenues of the government. It is made my duty by law, whenever the estimates of expenditure exceed the estimates of revenue, to call the attention of the Congress to the fact and suggest any means of meeting the deficiency that it may be wise or possible for me to suggest. I am ready to believe that it would be my duty to do so in any case; and I feel particularly bound to speak of the matter when it appears that the deficiency will arise directly out of the adoption by the Congress of measures which I myself urge it to adopt. Allow me, therefore, to speak briefly of the present state of the Treasury and of the fiscal problems which the next year will probably disclose.

On the thirtieth of June last there was an available balance in the general fund of the Treasury of $104,170,105.78. The total estimated receipts for the year 1916, on the assumption that the emergency revenue measure passed by the last Congress will not be extended beyond its present limit, the thirty-first of December, 1915, and that the present duty of one cent per pound on sugar will be discontinued after the first of May, 1916, will be $670,365,500. The balance of June last and these estimated revenues come, therefore, to a grand total of $774,535,605.78. The total estimated disbursements for the present fiscal year, including twenty-five millions for the Panama Canal, twelve millions for probable deficiency appropriations, and fifty thousand dollars for miscellaneous debt redemptions, will be $753,891,000; and the balance in the general fund of the Treasury will be reduced to $20,644,605.78. The emergency revenue act, if continued beyond its present time limitation, would produce, during the half year then remaining, about forty-one millions. The duty of one cent per pound on sugar, if continued, would produce during the two months of the fiscal year remaining after the first of May, about fifteen millions. These two sums, amounting together to fifty-six millions, if added to the revenues of the second half of the fiscal year, would yield the Treasury at the end of the year an available balance of $76,644,605.78.

The additional revenues required to carry out the programme of military and naval preparation of which I have spoken, would, as at present estimated, be for the fiscal year 1917, $93,800,000. Those figures, taken with the figures for the present fiscal year which I have already given, disclose our financial problem for the year 1917. Assuming that the taxes imposed by the emergency revenue act and the present duty on sugar are to be discontinued, and that the balance at the close of the present fiscal year will be only $20,644,605.78,

that the disbursements for the Panama Canal will again be about twenty-five millions, and that the additional expenditures for the army and navy are authorized by the Congress, the deficit in the general fund of the Treasury on the thirtieth of June, 1917, will be nearly two hundred and thirty-five millions. To this sum at least fifty millions should be added to represent a safe working balance for the Treasury, and twelve millions to include the usual deficiency estimates in 1917; and these additions would make a total deficit of some two hundred and ninety-seven millions. If the present taxes should be continued throughout this year and the next, however, there would be a balance in the Treasury of some seventy-six and a half millions at the end of the present fiscal year, and a deficit at the end of the next year of only some fifty millions, or, reckoning in sixty-two millions for deficiency appropriations and a safe Treasury balance at the end of the year, a total deficit of some one hundred and twelve millions. The obvious moral of the figures is that it is a plain counsel of prudence to continue all of the present taxes or their equivalents, and confine ourselves to the problem of providing one hundred and twelve millions of new revenue rather than two hundred and ninety-seven millions.

How shall we obtain the new revenue? We are frequently reminded that there are many millions of bonds which the Treasury is authorized under existing law to sell to reimburse the sums paid out of current revenues for the construction of the Panama Canal; and it is true that bonds to the amount of approximately $222,000,000 are now available for that purpose. Prior to 1913, $134,631,980 of these bonds had actually been sold to recoup the expenditures at the Isthmus; and now constitute a considerable item of the public debt. But I, for one, do not believe that the people of this country approve of postponing the payment of their bills. Borrowing money is short-sighted finance. It can be justified only when permanent things are to be accomplished which many generations will certainly benefit by and which it seems hardly fair that a single generation should pay for. The objects we are now proposing to spend money for cannot be so classified, except in the sense that everything wisely done may be said to be done in the interest of posterity as well as in our own. It seems to me a clear dictate of prudent statesmanship and frank finance that in what we are now, I hope, about to undertake we should pay as we go. The people of the country are entitled to know just what burdens of taxation they are to carry, and to know from the outset, now. The new bills should be paid by internal taxation.

To what sources, then, shall we turn? This is so peculiarly a question which the gentlemen of the House of Representatives are expected under the Constitution to propose an answer to that you will hardly expect me to do more than discuss it in very general terms.

We should be following an almost universal example of modern governments if we were to draw the greater part or even the whole of the revenues we need from the income taxes. By somewhat lowering the present limits of exemption and the figure at which the surtax shall begin to be imposed, and by increasing, step by step throughout the present graduation, the surtax itself, the income taxes as at present apportioned would yield sums sufficient to balance the books of the Treasury at the end of the fiscal year 1917 without anywhere making the burden unreasonably or oppressively heavy. The precise reckonings are fully and accurately set out in the report of the Secretary of the Treasury which will be immediately laid before you.

And there are many additional sources of revenue which can justly be resorted to without hampering the industries of the country or putting any too great charge upon individual expenditure. A tax of one cent per gallon on gasoline and naphtha would yield, at the present estimated production, $10,000,000; a tax of fifty cents per horse power on automobiles and internal explosion engines, $15,000,000; a stamp tax on bank cheques, probably $18,000,000; a tax of twenty-five cents per ton on pig iron, $10,000,000; a tax of twenty-five cents per ton on fabricated iron and steel, probably $10,000,000. In a country of great industries like this it ought to be easy to distribute the burdens of taxation without making them anywhere bear too heavily or too exclusively upon any one set of persons or undertakings. What is clear is, that the industry of this generation should pay the bills of this generation.

I have spoken to you to-day, Gentlemen, upon a single theme, the thorough preparation of the nation to care for its own security and to make sure of entire freedom to play the impartial rôle in this hemisphere and in the world which we all believe to have been providentially assigned to it. I have had in my mind no thought of any immediate or particular danger arising out of our relations with other nations. We are at peace with all the nations of the world, and there is reason to hope that no question in controversy between this and other Governments will lead to any serious breach of amicable relations, grave as some differences of attitude and policy have been and may yet turn out to be. I am sorry to say that the gravest threats against our national peace and safety have been uttered within our own borders. There are citizens of the United States, I blush to admit, born under other flags but welcomed under our generous naturalization laws to the full freedom and opportunity of America, who have poured the poison of disloyalty into the very arteries of our national life; who have sought to bring the authority and good name of our Government into contempt, to destroy our industries wherever they thought it effective for their vindictive purposes to strike at them, and to debase our politics to the uses of

foreign intrigue. Their number is not great as compared with the whole number of those sturdy hosts by which our nation has been enriched in recent generations out of virile foreign stocks; but it is great enough to have brought deep disgrace upon us and to have made it necessary that we should promptly make use of processes of law by which we may be purged of their corrupt distempers. America never witnessed anything like this before. It never dreamed it possible that men sworn into its own citizenship, men drawn out of great free stocks such as supplied some of the best and strongest elements of that little, but how heroic, nation that in a high day of old staked its very life to free itself from every entanglement that had darkened the fortunes of the older nations and set up a new standard here,—that men of such origins and such free choices of allegiance would ever turn in malign reaction against the Government and people who had welcomed and nurtured them and seek to make this proud country once more a hotbed of European passion. A little while ago such a thing would have seemed incredible. Because it was incredible we made no preparation for it. We would have been almost ashamed to prepare for it, as if we were suspicious of ourselves, our own comrades and neighbors! But the ugly and incredible thing has actually come about and we are without adequate federal laws to deal with it. I urge you to enact such laws at the earliest possible moment and feel that in doing so I am urging you to do nothing less than save the honor and self-respect of the nation. Such creatures of passion, disloyalty, and anarchy must be crushed out. They are not many, but they are infinitely malignant, and the hand of our power should close over them at once. They have formed plots to destroy property, they have entered into conspiracies against the neutrality of the Government, they have sought to pry into every confidential transaction of the Government in order to serve interests alien to our own. It is possible to deal with these things very effectually. I need not suggest the terms in which they may be dealt with.

I wish that it could be said that only a few men, misled by mistaken sentiments of allegiance to the governments under which they were born, had been guilty of disturbing the self-possession and misrepresenting the temper and principles of the country during these days of terrible war, when it would seem that every man who was truly an American would instinctively make it his duty and his pride to keep the scales of judgment even and prove himself a partisan of no nation but his own. But it cannot. There are some men among us, and many resident abroad who, though born and bred in the United States and calling themselves Americans, have so forgotten themselves and their honor as citizens as to put their passionate sympathy with one or the other side in the great European conflict above their regard for the peace and dignity of the United States.

They also preach and practice disloyalty. No laws, I suppose, can reach corruptions of the mind and heart; but I should not speak of others without also speaking of these and expressing the even deeper humiliation and scorn which every self-possessed and thoughtfully patriotic American must feel when he thinks of them and of the discredit they are daily bringing upon us.

While we speak of the preparation of the nation to make sure of her security and her effective power we must not fall into the patent error of supposing that her real strength comes from armaments and mere safeguards of written law. It comes, of course, from her people, their energy, their success in their undertakings, their free opportunity to use the natural resources of our great home land and of the lands outside our continental borders which look to us for protection, for encouragement, and for assistance in their development; from the organization and freedom and vitality of our economic life. The domestic questions which engaged the attention of the last Congress are more vital to the nation in this its time of test than at any other time. We cannot adequately make ready for any trial of our strength unless we wisely and promptly direct the force of our laws into these all-important fields of domestic action. A matter which it seems to me we should have very much at heart is the creation of the right instrumentalities by which to mobilize our economic resources in any time of national necessity. I take it for granted that I do not need your authority to call into systematic consultation with the directing officers of the army and navy men of recognized leadership and ability from among our citizens who are thoroughly familiar, for example, with the transportation facilities of the country and therefore competent to advise how they may be coördinated when the need arises, those who can suggest the best way in which to bring about prompt coöperation among the manufacturers of the country, should it be necessary, and those who could assist to bring the technical skill of the country to the aid of the Government in the solution of particular problems of defense. I only hope that if I should find it feasible to constitute such an advisory body the Congress would be willing to vote the small sum of money that would be needed to defray the expenses that would probably be necessary to give it the clerical and administrative machinery with which to do serviceable work.

What is more important is, that the industries and resources of the country should be available and ready for mobilization. It is the more imperatively necessary, therefore, that we should promptly devise means for doing what we have not yet done: that we should give intelligent federal aid and stimulation to industrial and vocational education, as we have long done in the large field of our agricultural industry; that, at the same time that we safeguard and

conserve the natural resources of the country we should put them at the disposal of those who will use them promptly and intelligently, as was sought to be done in the admirable bills submitted to the last Congress from its committees on the public lands, bills which I earnestly recommend in principle to your consideration; that we should put into early operation some provision for rural credits which will add to the extensive borrowing facilities already afforded the farmer by the Reserve Bank Act adequate instrumentalities by which long credits may be obtained on land mortgages; and that we should study more carefully than they have hitherto been studied the right adaptation of our economic arrangements to changing conditions.

Many conditions about which we have repeatedly legislated are being altered from decade to decade, it is evident, under our very eyes, and are likely to change even more rapidly and more radically in the days immediately ahead of us, when peace has returned to the world and the nations of Europe once more take up their tasks of commerce and industry with the energy of those who must bestir themselves to build anew. Just what these changes will be no one can certainly foresee or confidently predict. There are no calculable, because no stable, elements in the problem. The most we can do is to make certain that we have the necessary instrumentalities of information constantly at our service so that we may be sure that we know exactly what we are dealing with when we come to act, if it should be necessary to act at all. We must first certainly know what it is that we are seeking to adapt ourselves to. I may ask the privilege of addressing you more at length on this important matter a little later in your session.

In the meantime may I make this suggestion? The transportation problem is an exceedingly serious and pressing one in this country. There has from time to time of late been reason to fear that our railroads would not much longer be able to cope with it successfully, as at present equipped and coördinated. I suggest that it would be wise to provide for a commission of inquiry to ascertain by a thorough canvass of the whole question whether our laws as at present framed and administered are as serviceable as they might be in the solution of the problem. It is obviously a problem that lies at the very foundation of our efficiency as a people. Such an inquiry ought to draw out every circumstance and opinion worth considering and we need to know all sides of the matter if we mean to do anything in the field of federal legislation.

No one, I am sure, would wish to take any backward step. The regulation of the railways of the country by federal commission has had admirable results and has fully justified the hopes and expectations of those by whom the policy of regulation was originally pro-

posed. The question is not what should we undo? It is, whether there is anything else we can do that would supply us with effective means, in the very process of regulation, for bettering the conditions under which the railroads are operated and for making them more useful servants of the country as a whole. It seems to me that it might be the part of wisdom, therefore, before further legislation in this field is attempted, to look at the whole problem of coordination and efficiency in the full light of a fresh assessment of circumstance and opinion, as a guide to dealing with the several parts of it.

For what we are seeking now, what in my mind is the single thought of this message, is national efficiency and security. We serve a great nation. We should serve it in the spirit of its peculiar genius. It is the genius of common men for self-government, industry, justice, liberty and peace. We should see to it that it lacks no instrument, no facility or vigor of law, to make it sufficient to play its part with energy, safety, and assured success. In this we are no partisans but heralds and prophets of a new age.

WOODROW WILSON.

December 7, 1915

LIST OF PAPERS, WITH SUBJECTS OF CORRESPONDENCE.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Circular (telegram)	Jan. 28	Postponement of opening of the Panama Canal. Instruction to inform the Minister for Foreign Affairs of the President's inability to go to Panama in March and the consequent postponement of the opening of the canal to a date to be announced later.	12
	Do	do	Same subject and purport	12
	Do	do	do	13
	Do	do	do	13
	Mr. Bryan to Mr. Chinda	Feb. 2	do	14
	Mr. Bryan to Mr. Zwiedenek.	do	do	14
	Circular	Mar. 9	Pan American Medical Conference. Instruction to extend invitation.	15
	Do	Mar. 12	International Congress on Education. Instruction to extend invitation.	16
	Do	Apr. 1	International Engineering Congress. Instruction to extend invitation.	16
	Do	Apr. 12	International Dry Farming Congress. Instruction to extend invitation.	17
	Do	Apr. 19	Second Pan American Scientific Congress. Various instructions.	18
	Circular (telegram)	Apr. 23	Opening of the Panama Canal. Instruction to inform the Minister for Foreign Affairs that the President has found it impossible to proceed to Panama in July and regrets that he is therefore unable to extend to the Minister the invitation mentioned in the Department's Jan. 16 [28]. (Sent to all missions in Latin America.)	14
	Do	May 3	Same subject. Instruction to inform the Foreign Office that the international fête attending the opening of the canal will not take place, owing to the distressing conditions throughout the world. (Sent to Denmark, Greece, Guatemala, Honduras, Nicaragua, Panama, and Uruguay.)	15
	Mr. Bryan to Mr. Page	May 29	Abrogation of provisions of certain treaties conflicting with the Seamen's Act of Mar. 4, 1915. Explains the origin of the legislation and of the reason that it is mandatory upon the President to give notice of the termination of treaty provisions in conflict therewith. Instruction to give such notice.	3
	Circular	do	Same subject and purport	6
	Do	do	Same subject. Incloses copy of the foregoing to the diplomatic corps at Washington.	10
	Mr. Bryan to Mr. Page	do	Same subject. The same as the above instruction to Mr. Page, except that it refers to the treaty between the United States and the King of Tonga.	11
	Circular	July 10	First Pan American Financial Conference and High Commission. Various instructions.	20
	Do	July 29	Same subject. Further instructions	21
1905	Mr. Page to Mr. Lansing	do	Abrogation of provisions of certain treaties conflicting with the Seamen's Act of Mar. 4, 1915. Reports acceptance by Great Britain of the abrogation of the Treaty of June 3, 1892.	11
	Circular (telegram)	Sept. 18	First Pan American Financial Conference and High Commission. Instructions regarding postponement of meeting of High Commission to April, 1916, and of the conference to 1917.	22
	Mr. Polk to Mr. Naón	Sept. 23	Same subject and purport	22
	Circular (telegram)	Oct. 6	Same subject. Instructions relating to April, 1916, meeting of the High Commission.	23
	Mr. Belden to Mr. Lansing (telegram).	do	Abrogation of provisions of certain treaties conflicting with the Seamen's Act of 1915. Refers to Department's May 29. Reports acceptance by Bolivia of the abrogation of Article 34 of the Treaty of May 13, 1858.	12
	Circular	Oct. 13	Radio communication in the American Hemisphere. Instructs to suggest that the subject be discussed during the forthcoming Pan American Scientific Conference.	24
	Circular (telegram)	Oct. 19	Opening of the Panama Canal. Instruction to advise the Foreign Office that the continuance of slides in the canal prevent prediction of approximate date of reopening.	15

No.	From and to whom.	Date.	Subject.	Page.
	Circular	1915. Nov. 1	Conditions of enlistment of Americans in foreign armies involving their expatriation. By taking an oath of allegiance to a foreign state an American citizen is deemed to have expatriated himself.	25
	Circular (telegram)	Dec. 13	First Pan American Financial Conference and High Commission. Instruction regarding topics for discussion.	23
	Circular	Dec. 20	Attitude of the United States toward Latin America. Instruction to disseminate information regarding the portions of the President's Address to Congress referring to matters of Pan American importance.	25
	Do	Dec. 31	American seamen. Encloses Department's circular No. 268 for transmission to Foreign Office.	26
			ARGENTINA.	
45	Mr. Stimson to Mr. Bryan	1915. May 12	Message of the President. Encloses copy	28
			BOLIVIA.	
		1915. Jan. 9	Treaty for the advancement of general peace, concluded between the United States and Bolivia. Proclamation.	30
67	Mr. Mooney to Mr. Lansing.	July 29	Boundary agreement between Bolivia and Paraguay. Reports the signing of a protocol on July 19 extending the Ayala-Mujia Agreement of Apr. 5, 1913, until July 28, 1916; incloses copy of this agreement.	32
			BRAZIL.	
584	Mr. Morgan to Mr. Bryan	1915. May 10	Message of the President. Encloses copy	34
			CHILE.	
574	Mr. Fletcher to Mr. Bryan	1915. Jan. 11	Rules and regulations of cable and wireless messages. Encloses and discusses decree relating to all telegraphic apparatus. Note has been addressed to Foreign Office urging removal of restrictions in so far as they relate to neutral countries.	36
	Same to same (telegram)	Jan. 12	Same subject. Informs of issuance of decree forbidding code messages, except diplomatic. Says this interferes with American commerce, and endeavor is being made to have neutral countries excepted. Asks whether this government forbids code messages to neutral countries.	39
	Mr. Bryan to Mr. Fletcher (telegram).	Jan. 14	Same subject. Informs him of this Government's procedure regarding cable and radio messages.	39
580	Mr. Fletcher to Mr. Bryan	Jan. 30	Same subject. Encloses copy of new decree amending the first decree and eliminating the provisions thereof which affected adversely legitimate neutral commerce.	39
217	Mr. Bryan to Mr. Fletcher	Feb. 13	Same subject. Acknowledges despatch No. 574 and approves action in making repeated representations with a view to having the decree modified.	40
219	Same to same	Mar. 11	Same subject. Approves action reported in No. 580 of Jan. 30.	40
642	Mr. Summerlin to Mr. Bryan.	June 15	Message of the President. Transmits copy	35
			CHINA.	
	American Red Cross to the Secretary of State	1915. Jan. 6	Huai River Conservancy loan. Refers to the Department's Dec. 23, 1914, respecting an advance of $5,000,000; requests transmission to the American Minister at Peking for delivery to Chinese Government of an amended telegram declaring loan at present impossible and extension of option desired.	212

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Bryan to Mr. Reinsch (telegram).	Jan. 11	Same subject. Transmits telegram as requested in letter of Jan. 6 from Red Cross, with instruction to present to the Chinese Government.	212
233	Same to same	do	Same subject. Reply to his Oct. 28, 1914. Incloses copy of letter of Jan. 6, 1915, fron Red Cross; refers to Department's telegram of Jan. 11.	213
	American Red Cross to the Secretary of State.	Jan. 20	Same subject. Requests that Mr. Reinsch be instructed to urge extension of Red Cross option.	213
	Mr. Bryan to Mr. Reinsch (telegram).	do	Same subject. Instruction to urge extension of Red Cross option.	213
	Mr. Reinsch to Mr. Bryan (telegram).	Jan. 23	Twenty-one demands of Japan on China. Japanese Minister submits list of demands not to be divulged to other Powers on pain serious consequences to China. Demands could not be granted without abandoning open-door policy.	79
	Same to same (telegram)	Jan. 24	Same subject. Japan's twenty-one demands constitute great crisis in China. Demands include, aside from Shantung, exclusive mining rights in two provinces and three railways.	80
	Same to same (telegram)	Jan. 26	Same subject. Japan's demands include impairment of China's sovereignty and of open door in Shantung, Kiangsu, Chekiang, Anhui, and Kiangsi in addition to Manchuria. Further reservations would make subject to their veto all concessions to other nationalities throughout China.	80
	Same to same (telegram)	Jan. 27	Same subject. Japanese demands include administrative powers in South Manchuria and special rights respecting the nationalized iron deposits throughout China.	81
	Mr. Bryan to Mr. Reinsch (telegram).	Jan. 28	Same subject Instructs to keep Department fully informed.	80
	Mr. Reinsch to Mr. Bryan (telegram).	Jan. 29	Same subject. Further demands include participation in internal administration of China and recognition of Fukien as Japanese sphere of influence.	81
	Same to same (telegram)	Feb. 1	Same subject. States five significant demands of Japan.	81
	Mr. Guthrie to Mr. Bryan (telegram).	do	Same subject. Japan's demands on China do not affect Yangtze valley.	82
1060	Mr. Bryan to Mr. Page (telegram).	Feb. 2	Same subject. Desires to know if British Government has been informed as to nature and extent of Japan's demands.	82
374	Mr. Sammons to Mr. Reinsch.	do	Infringement of American trade-marks in China. Reports on, and action taken in the Mixed Court at Shanghai. Outlines procedure he intends to follow. Incloses correspondence with the Japanese Consul General.	231
	Mr. Guthrie to Mr. Bryan (telegram).	Feb. 3	Twenty-one demands of Japan on China. Censorship forbids reproduction reports in China of Japan's demands. Foreign Office authorized statement that demands involve no infringement of China's territorial integrity and no impairment of foreign rights in that country.	82
	Mr. Bryan to Mr. Reinsch (telegram).	do	Huai River Conservancy loan. Refers to Department's Jan. 11 and 20, and instructs to telegraph status of option extension.	213
	Mr. Reinsch to Mr. Bryan (telegram).	Feb. 4	Same subject. Reply to Department's Feb. 3. Red Cross option extended for one year. Chinese desire certain amendments to contract.	214
	Mr. Guthrie to Mr. Bryan (telegram).	Feb. 6	Twenty-one demands of Japan on China. Count Okuma stated that Japan's interest in China was to preserve peace and China's territorial intergity and to adhere to open-door policy.	83
	Mr. Reinsch to Mr. Bryan (telegram).	Feb. 8	Same subject. Japanese Minister insisted that Minister for Foreign Affairs express general opinion on each of 21 demands which was done, pointing out certain demands were incompatible with treaty rights or with sovereign power of China and therefore unacceptable.	83
	The Japanese Embassy to the Department of State.	do	Same subject. Memorandum of 11 demands on China.	83
	Mr. Reinsch to Mr. Bryan (telegram).	Feb. 9	Same subject. Japanese Minister stated expression of Minister for Foreign Affairs on demands was unsatisfactory and must be modified otherwise negotiations can not be continued. Chinese Government is making counterproposals on demands relating to Manchuria, Mongolia, and Shantung. Chinese trying to preserve the principle of equal opportunity.	84
	Mr. Guthrie to Mr. Bryan (telegram).	do	Same subject. Quotes memorandum from the Japanese Foreign Office stating the 11 demands made upon China.	84

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
538	Mr. Reinsch to Mr. Bryan.	Feb. 10	Same subject. Reports on progress of negotiations between Japanese Minister and Chinese Government.	85
	Mr. Guthrie to Mr. Bryan (telegram).	Feb. 11	Same subject. Statement cabled under date Feb. 9, does not contain all of Japan's demands. Baron Kato has instructed Japanese Minister at Peking to communicate statement given me to Reinsch.	87
	Mr. Reinsch to Mr. Bryan (telegram).	Feb. 12.	Same subject. States Moore's telegram contains substantially accurate account of demands as understood here.	87
	Same to same (telegram)	do	Same subject. Chinese Government is willing to discuss 10 of the demands while Japanese Government is insisting that entire list be accepted in principle and negotiated on. The Chinese Government is contemplating adoption of a well-defined policy regarding concessions.	88
1638	Mr. Page to Mr. Bryan (telegram).	Feb. 13	Same subject. Sir Edward Grey stated yesterday "The British Government has made inquires of Japan but so far has made no comment."	88
	Mr. Reinsch to Mr. Bryan (telegram).	Feb. 15	Same subject. Relates contents of memorandum received from Japanese Minister regarding demands on China.	88
540	Same to same	do	Same subject. Further reports on negotiations between Japanese and Chinese Governments relating to concessions. Encloses copy of telegram from Correspondent Moore to the Associated Press relating to this subject.	89
	Same to same (telegram)	do	Infringement of trade-marks. The Japanese Government contends that, unless the infringing trade-mark registered in Japan is annulled American owners can not sue in Chinese Courts against Chinese dealing in the infringement. The Consulate General at Shanghai will be instructed that the rights of American industrial property as against Chinese are determinable by local law.	235
	Department of State memorandum.	Feb. 16	Twenty-one demands of Japan on China. Japanese Ambassador denies truth of newspaper statements of exaggerated demands on China.	92
	Mr. Reinsch to Mr. Bryan (telegram).	Feb. 17	Same subject. Legation is in position to telegraph full text of Japanese demands as presented to the President on Jan. 18, if desired.	92
392	Mr. Sammons to Mr. Reinsch.	do	Infringement of trade-marks. Reports further on the subject and encloses formal protest from the Japanese Consul General.	236
	Mr. Bryan to Mr. Guthrie (telegram).	Feb. 19	Twenty-one demands of Japan on China. Advises him of receipt of Japanese Ambassador's memorandum of denial of press reports and assurance that Japan has no such intention as press reports would have indicated.	93
	The Chinese Minister to the Secretary of State (memorandum).	[1]	Same subject. Submits statement of the 21 demands made by Japan on China.	93
	Mr. Bryan to Mr. Reinsch (telegram).	Feb. 19	Same subject. Received from Chinese Minister complete statement of demands, Article V varies from that received from Japanese Ambassador. Advise at once if demands in Article V are being urged.	95
	Mr. Reinsch to Mr. Bryan (telegram).	Feb. 20	Same subject. On Feb. 18, Japanese Minister informed Foreign Office Japanese Government insisted upon negotiations on whole set of 21 demands as presented on 18th ultimo including Article V.	95
	Mr. Guthrie to Mr. Bryan (telegram).	Feb. 21	Same subject. Embassy's telegram of Feb. 9, 1915 gave complete list of demands, the other articles were submitted as requests.	96
	The Japanese Embassy to the Secretary of State (memorandum).	Feb. 22	Same subject. List of additional demands or requests.	97
	Mr. Reinsch to Mr. Bryan (telegram).	Feb. 23	Same subject. In conference yesterday Japanese Minister insisted on full list of demands, finally agreed to discussion in detail, but rejected all Chinese counterproposals.	97
	Same to same (telegram)	Feb. 26	Same subject. At yesterday's conference opening of additional treaty ports in Shantung was agreed to. Chinese Government refused to accept preamble of Article II.	97
	Mr. Bryan to Mr. Reinsch (telegram).	Feb. 27	Infringement of trade-marks. Approves Legation's attitude as reported in telegram of Feb. 15, 1915.	238

[1] Not dated.

CHINA—Continued.

No.	From and to whom.	Date	Subject.	Page.
		1915.		
554	Mr. Reinsch to Mr. Bryan	Feb. 27	Same subject. Transmits further correspondence, including his instruction to the Consulate General at Shanghai. Emphasizes the advisability of American exporters registering their trade-marks at Tokyo.	238
562	Same to same	Mar. 4	Claims against China. Incloses correspondence showing assent of the interested Governments to the withdrawal by China of the unused balance of the 2,000,000 fund deposited in the Groups Banks.	206
571	Same to same	Mar. 6	Twenty-one demands of Japan on China. Reports on state of negotiations. Encloses statement of demands as handed to the President January 18 and statement of demands as handed to the American Minister by the Japanese Minister February 14.	98
	Same to same (telegram)	Mar. 8	Same subject. Refers to cable of Feb. 26. At the Mar. 6 meeting, Japanese Minister stated his Government was dissatisfied with slow progress of negotiations and unless important concessions are granted means outside of diplomacy might be resorted to. Relates further about negotiations.	103
	Mr. Guthrie to Mr. Bryan (telegram).	Mar. 11	Same subject. States report of papers regarding troops to relieve garrisons at Tsingtau, Tientsin and in Manchuria and Chosen.	104
	Mr. Reinsch to Mr. Bryan (telegram).	Mar. 12	Same subject. Concessions by Chinese on 99-year extension of South Manchuria and Antung-Mukden lines appear to have made situation easier. Japanese Minister told Minister of Foreign Affairs Japanese fleet has sailed under sealed orders, destination and purposes being known only to authorities at Tokyo.	104
	Same to same (telegram)	Mar. 13	Same subject. Chinese Government informed second Japanese squadron sailed with 30,000 men to be distributed in Manchuria, Tientsin, Shantung, and Hankow.	104
	Mr. Bryan to Mr. Chinda	---do	Same subject. Quotes numerous treaty provisions and states that the policy of the United States Government is directed to the maintenance of the independence, integrity and commercial freedom of China and the conservation of American rights and interests in China.	105 105
	Mr. Bryan to Mr. Reinsch (telegram).	---do	Same subject. States will receive through Tokyo summary of note handed to Japanese Ambassador in Washington. Call attention of Foreign Office to treaty provisions cited.	111
	Mr. Guthrie to Mr. Bryan (telegram).	Mar. 17	Same subject. I communicated to Minister for Foreign Affairs substance of telegram of Mar. 13. He said he had not yet received contents of note handed to Viscount Chinda and asked whether the note was presented at the request or suggestion of China. He told me negotiations were "proceeding not altogether unsatisfactorily."	112
	Mr. Reinsch to Mr. Bryan (telegram).	---do	Same subject. Minister of Foreign Affairs assures fullest consideration being given to treaty rights. Demands relating to Manchuria and Mongolia further discussed at the meeting held yesterday.	112
	Mr. Bryan to Mr. Guthrie (telegram).	---do	Same subject. Refers to telegram Mar. 17. Note was not presented at request or suggestion of China or any other Power.	113
	Mr. Bryan to Mr. Reinsch (telegram).	Mar. 18	Same subject. Supplementary memorandum handed this Government by Japan on Feb. 22 is identical with Article V of Chinese memorandum and was accompanied by statement that these items were presented as requests for which friendly consideration was desired. Copies of American note and Japanese memoranda being mailed you.	113
	Mr. Guthrie to Mr. Bryan (telegram).	Mar. 21	Same subject. Reports interview with the Japanese Minister for Foreign Affairs in which the latter dwelt especially on Fukien and referred to the suggestion made in 1900 by the Secretary of State that the United States desired to improve a harbor on the coast of Fukien for a naval coaling station. The pertinent correspondence of 1900 is printed here for ready reference.	113
	Mr. Reinsch to Mr. Bryan (telegram).	Mar. 22	Same subject. Chinese Government informed today of arrival of 1,200 new Japanese troops along Shantung Railway and 6,000 in Manchuria.	115

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
588	Mr. Reinsch to Mr. Bryan	Mar. 22	Taxation of foreigners. Refers to Legation's telegram of July 20, 1914, and Department's reply of July 21, 1914, in regard to Chinese inland taxation imposed on American goods in violation of treaty stipulations, and submits for the Department's comment Legation's instruction thereon to the Consul General at Shanghai dated July 25, 1914.	216
	Same to same (telegram)	Mar. 24	Twenty-one demands of Japan on China. Relates discussion at conference yesterday. States reports from Tsingtau, Mukden, Antung, Tsinanfu. Sunday Chinese Government asked explanation of troop movements but no reply to date.	116
	Same to same (telegram)	Mar. 25	Same subject. Meeting today resulted in agreement to concede to Japan for mining purposes 9 specified areas in Manchuria. Increase of troops at Tsinanfu to 2,500 with artillery reported today; 1,000 stationed at Fangtze near Weihsien.	116
	Mr. Bryan to Mr. Guthrie (telegram).	Mar. 26	Same subject. The United States has no purpose or desire to secure concession on coast of Fukien. You are authorized to inform the Government that United States will view without slightest objection any arrangement Japan may make with China looking toward the withholding of any concession to any foreign Power which contemplates improvement of harbor on coast of Fukien.	116
	Mr. Reinsch to Mr. Bryan (telegram).	Mar. 30	Same subject. Chinese Government and local authorities throughout country are taking severe measures to repress agitation caused by distored reports being circulated as to boycott of Japanese goods.	117
	Same to same (telegram)	Mar. 31	Same subject. At conference held yesterday the Japanese Minister stated that the Chinese were fully aware of Japanese demands and China is now expected to make categorical answer and be prepared for the consequences of refusal. Ultimatum backed by force is expected.	118
	Same to same (telegram)	Apr. 2	Same subject. Chinese yielded to demand that Japanese subjects be allowed to travel, reside, carry on trade and agriculture and lease land in Manchuria remaining subject only to their national jurisdiction in criminal and civil matters except as to land cases.	118
	Mr. Bryan to Mr. Reinsch (telegram).	do	Same subject. Department is making inquiry whether the proposals concerning the Han-yeh ping Co. would discriminate against nationals of other countries.	118
	Mr. Bryan to Mr. Guthrie (telegram).	do	Same subject. Desires information regarding Han-yeh ping Corporation, whether anything is contemplated which would discriminate against nationals of other countries.	119
597	Mr. Reinsch to Mr. Bryan	Apr. 5	Same subject. Observations on the negotiations	119
598	Same to same	do	Same subject. Transmits copy of a memorandum from the Chinese Foreign Office to the Japanese Minister on the right of residence in South Manchuria.	122
	Same to same (telegram)	do	Same subject. Discusses the Han-yeh ping demand which is tantamount to a demand for a monopoly of mineral production and manufacture and will eleminate the freedom of industrial development and will deny treaty rights of other nationals.	124
	Same to same (telegram)	Apr. 7	Same subject. At yesterday's meeting residence in Manchuria, Group V and the Fukien demands were discussed.	124
	Mr. Bryan to Mr. Reinsch (telegram).	Apr. 9	Same subject. Authorizes him to confirm to the Chinese Government Department's note concerning naval and coaling stations on the coast of Fukien.	124
	Mr. Reinsch to Mr. Bryan (telegram).	do	Same subject. At yesterday's meeting residence in Manchuria was further discussed and the Japanese presented an additional demand for a concession of coal mines at Anki in Fukien. The Minister of Foreign Affairs refused to receive the demand and the Japanese Minister withdrew it.	125
	Mr. Guthrie to Mr. Bryan (telegram).	Apr. 10	Same subject. The Japanese Minister for Foreign Affairs stated to the American Ambassador that, if Japan's demands for residential privileges were granted, American citizens would obtain the same privileges.	125

the arguments at my command to relieve our commerce from these restrictions. He agreed with me that Chile's responsibility in the matter of neutrality did not extend to other neutral countries and that the restrictions which I complained of should be removed, and promised to take up the matter immediately with the Minister of the Interior, with a view to having the decree amended. I have also spoken of the matter of the decree with a number of leading Senators and Deputies, who have promised to urge its amendment.

I am just now in receipt of a circular from the Foreign Office, transmitting printed copy of the decree and stating that the Minister of the Interior is preparing a new decree excepting consular communications from the scope of the decree. This circular, however, was prepared some days ago, and I am hoping to secure the exception of communications to and from neutral countries also.

I shall, at all events, continue my efforts to have these restrictions upon our commerce removed.

I have [etc.]

HENRY P. FLETCHER.

[Inclosure 1—Translation.]

Decree No. 6364.

MINISTRY OF THE INTERIOR,
Santiago, December 30, 1914.

Considering that, in accordance with the Radiotelegraph Conference of London, July 5, 1912, wireless-telegraph offices not authorized by the Government can not exist in the territory of a State;

Considering that Chile signed the 5th Convention of The Hague relative to the rights and duties of neutral powers in case of war;

In view of Articles 3 and 9 of the said Convention, which say the following:

Article 3. Belligerents are likewise forbidden to:

a. Erect on the territory of a neutral power a wireless telegraphy station or other apparatus for the purpose of communicating with the belligerent forces on land or sea.

b. Use any installation of this kind established by them before the war on the territory of a neutral power for purely military purposes, and which has not been opened for the service of public messages.

Article 9. Every measure of restriction or prohibition taken by a neutral power in regard to the matters referred to in articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

IT IS DECREED:

1. The Intendentes and Governors of the Republic will proceed to dismantle the telegraphic, radio-telegraphic or telephonic apparatus destined or not for the public service, whose installation has not been fully authorized.

2. The telegraphic, cablegraphic or radio-telegraphic companies of the Government or private will not in the future accept, until a new order, for transmission communications which are written in code language or cipher.

3. From this rule are excepted the communications sent by diplomatic agents accredited in the Republic and those exchanged by the banks between their offices, providing that they deposit the key in the Directory General of Telegraphs.

Only communications written in clear language in German, Spanish, French, English, Italian and Portuguese, which do not contain notices regarding the situation, movements and operations of the ships of the belligerent nations, will be accepted.

Take note, communicate, publish and insert in the Bulletin of the Laws and Decrees of the Government.

BARROS LUCO.
PEDRO N. MONTENEGRO.

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Reinsch to Mr. Bryan (telegram).	---do-----	Same subject. An ultimatum was received here today. In order to avert its presentation the Chinese Government offered further concessions which were refused by the Japanese.	143
	Same to same (telegram) ---	---do-----	Same subject. Reports military preparations by Japan. Japanese subjects are being concentrated for leaving.	144
	Same to same (telegram) ---	May 7	Same subject. An ultimatum in the form of a further revised set of demands was handed to the Minister of Foreign Affairs by the Japanese Minister to be accepted categorically by 6 p. m. May 9th.	144
2062	Mr. Page to Mr. Bryan (telegram).	May 7	Same subject. Quotes memorandum handed to the Japanese Ambassador by Sir Edward Gray stating the attitude of the British Government.	144
	Mr. Reinsch to Mr. Bryan (telegram).	May 9	Same subject. The Chinese Government accepted Japan's ultimatum today. The military unpreparedness of China made it necessary to yield to the demands.	145
	Mr. Wheeler to Mr. Bryan (telegram).	---do-----	Same subject. The Japanese Minister for Foreign Affairs states that the Chinese Government has unconditionally accepted Japan's ultimatum.	145
	Mr. Bryan to Mr. Guthrie (telegram).	May 11	Same subject. Instructs to notify the Japanese Government that this Government can not recognize any agreement between Japan and China which impaires the treaty rights of the United States with China, the political or territorial integrity of China, or the international policy of the open door. (Mutatis mutandis to the American Legation at Peking.)	146
118	Mr. Bryan to Mr. Chinda.	May 12	Same subject. Encloses copy of telegram sent May 11 to the American Ambassador at Tokyo. (Mutatis mutandis to the Chinese Minister.)	146
	Mr. Wheeler to Mr. Bryan (telegram).	May 13	Same subject. Reports handing note to the Foreign Office in pursuance of Department's May 11.	146
	Mr. Reinsch to Mr. Bryan (telegram).	May 14	Same subject. Reports that he communicated Department's telegram of the 11th inst. Asks to be authorized to request the Chinese Government to inform him of any change in the status of foreigners resident in China, so that the United States may claim for its citizens all its treaty rights.	147
	Mr. Bryan to Mr. Reinsch (telegram).	May 15	Same subject. This Government takes it for granted that the Chinese Government will give notice of any change in the status of foreigners. (The American Ambassador at Tokyo was advised of this telegram.)	147
628	Mr. Reinsch to Mr. Bryan..	May 17	Same subject. Encloses a number of documents which are printed here, a statement by the Japanese Government concerning the negotiations, a mandate issued by the President of China concerning the coastal nonalienation and a telegram by the President cautioning officials and people to be moderate in their behaviour.	148
	Mr. Wheeler to Mr. Bryan (telegram).	May 24	Same subject. Newspapers are printing telegrams from Peking stating that the United States has issued to China and Japan a note of warning concerning agreements between those Governments which conflict with the open door policy and which impair China's sovereignty or territorial integrity. Editorials resentful.	156
	Mr. Bryan to Mr. Wheeler (telegram).	---do-----	Same subject. The note mentioned in Embassy's telegram of today is identic with Department's telegram of May 11, 1915.	157
633	Mr. Reinsch to Mr. Bryan.	May 25	Same subject. The Minister of Foreign Affairs in receiving Department's note of May 11, asked what provisions of the agreement seemed objectionable to the United States. He was informed that my Government trusted that the rights referred to in the note would be given complete protection and that my Government would be entitled to be advised of any change in the status of Americans in China.	157
279	Mr. Wheeler to Mr. Bryan.	May 26	Same subject. Newspapers printed telegrams from Washington today stating that the note of the American Government is merely of a legal nature, designed to affect the phraseology of the treaty. No further unfriendly comment is anticipated.	158
	Same to same-----------	June 8	Same subject. Transmits printed copy of the documents relating to the recent negotiations between Japan and China. The treaties were ratified yesterday and ratifications exchanged to-day.	159

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
294	Mr. Osborne to Mr. MacMurray.	June 22	Taxation of foreigners. Reply to Legation's No. 588 of Mar. 22, 1915, which is approved in general, with reservations on certain points.	221
76	Mr. Kai Fu Shah to Mr. Lansing.	July 6	Twenty-one demands of Japan on China. Encloses copy of an official statement concerning the recent negotiations with Japan, also copy of the treaties and annexes resulting from those negotiations.	178
683	Mr. MacMurray to Mr. Lansing.	July 9	Taxation of foreigners. Incloses a circular instruction of June 8, 1915, to various consular officers in China in regard to the stamp tax law, issued in conformity with Department's No. 90 of May 4, 1914; also a despatch from the Consulate General at Shanghai of June 26, 1915, and the Legation's reply of July 9, on the same subject.	222
	Mr. Lansing to Mr. Kai Fu Shah.	July 10	Twenty-one demands of Japan on China. Acknowledges receipt of note of the 6th inst. with enclosures.	204
686	Mr. MacMurray to Mr. Lansing.	July 12	Taxation of foreigners. Incloses copy of an instruction of July 12, 1915, from the Legation to the Consulate General at Hankow in regard to violations of treaty stipulations in regard to inland taxation of foreign goods. Requests instructions.	224
687	Same to same	July 16	Same subject. Incloses copies of regulations as to a destination tax on foreign goods, and the Legation's protest to the Chinese Government in regard thereto. Instructions requested. Reasons for Legation's protest.	226
695	Same to same	July 20	Infringement of trade-marks. Reports further interference with the Mixed Court at Shanghai by the Japanese Consulate General and encloses further correspondence.	242
705	Same to same	July 26	Claims against China. Incloses correspondence showing modifications of arrangements for claims payments.	208
709	Same to same	July 29	Political affairs. Incloses a memorandum on constitutional reform in China.	44
710	Same to same	July 31	Taxation of foreigners. Refers to Legation's No. 683 of July 9 and submits a copy of a protest by the Diplomatic Body made on July 26 to the Chinese Government against the stamp tax.	229
	Same to same (telegram)	Aug. 25	Political affairs. Reports agitation of the question with indications of a plan for the assumption of the throne by the President.	46
	Same to same (telegram)	Sept. 2	Same subject. Refers to his Aug. 25. It now appears certain that monarchical agitation is incidental to a plan for the assumption of the throne by the President.	47
	Same to same (telegram)	Sept. 4	Same subject. Refers to his Sept. 2. Uuless otherwise instructed, he will indicate that this Government will reserve its opinion until the event. The British Minister appears to have intimated unofficially that the change is at present inopportune.	47
747	Same to same	Sept. 7	Same subject. Cites incidents which lend color to the rumors abroad that plans were being laid for the transformation of the Republic into a monarchy.	48
	Mr. Lansing to Mr. MacMurray (telegram).	...do...	Same subject. Approves the position of the Legation as expressed in his Sept. 4.	60
	Mr. Yung Kwai to Mr. Lansing.	...do...	Same subject. Translation of the President's message to the Council of State on the monarchical movement.	61
748	Mr. MacMurray to Mr. Lansing.	...do...	Infringement of trade-marks. Judgment has been rendered, the English version of which upholds the American contention, but the Chinese magistrate entered a verdict which is diametrically opposed to the English version. Reports action taken by the Legation and encloses correspondence with the Foreign Office.	246
324	Mr. Polk to Mr. MacMurray.	Sept. 16	Taxation of foreigners. Refers to Legation's No. 686 of July 12, 1915, and approves his instruction therein inclosed.	229
325	Same to same	Sept. 17	Same subject. Approves his No. 683 of July 9	230
327	Same to same	...do...	Same subject. Instructions in response to Legation's No. 687 of July 16.	230
761	Mr. MacMurray to Mr. Lansing.	Sept. 22	Infringement of trade-marks. Discusses the final, compromise judgment.	252

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
766	Mr. MacMurray to Mr. Lansing.	Sept 24	Political affairs. Refers to despatch 747. Gives impressions as to the origin of the movement, the attitude of the various classes toward it and a general outline of the events that have produced the present situation.	61
770	Mr. Reinsch to Mr. Lansing.	Sept. 30	Infringement of trade-marks. Reports that he protested against a note from the Foreign Office reporting settlement of the vaseline case because the note confused the question of jurisdiction by including the concurrence of the Japanese assessor.	253
	Same to same (telegram)	Oct. 2	Political affairs. Monarchist movement has gained in strength. Its successful consummation is expected within short time.	65
359	Mr. Guthrie to Mr. Lansing.	Oct. 8	Twenty-one demands of Japan on China. Reports that a disagreement has arisen between China and Japan whether the treaty of May 25 concerning South Manchuria and Inner Mongolia applies to Koreans residing in Chientao, a portion of Manchuria. The question seems to resolve itself into an argument as to whether Chientao belongs to North or South Manchuria.	204
782	Mr. Reinsch to Mr. Lansing.	Oct. 11	Political affairs. Refers to Legation's No. 766. Reports further developments in the monarchical movement.	65
	----------	Oct. 23	Treaty for the advancement of general peace, concluded between the United States and China. Proclamation.	42
	Mr Reinsch to Mr. Lansing (telegram).	Oct. 25	Huai River Conservancy loan. Suggests that the Siems-Carey Co. will undertake the conservancy work; other suggestions.	214
347	Mr. Lansing to Mr. Reinsch.	Oct. 26	Infringement of trade-marks. Approves the Legation's proposal to protest to the Chinese Government if the magistrate fails to render judgment on the merits of the case and authorizes to reserve the right to present a claim for damages resulting from such denial of justice.	254
	The Japanese Embassy to the Department of State	Oct. 27	Political affairs. Invites this Government to join that of Japan in advising China to postpone the contemplated change.	69
	The British Embassy to the Department of State.	Oct. 27	Same subject. The British Government has agreed with that of Japan to address China jointly in the sense of the Japanese communication to this Government dated Oct. 27. Expresses the hope that this Government will act in a similar sense.	70
	Mr. Reinsch to Mr. Lansing (telegram).	Oct. 29	Same subject. Informed certain foreign representatives advised the stopping of the movement in order to avoid disturbances. Chinese believe they have the situation well in hand. Referendum is proceeding and monarchy will in all probability be established in a few months.	71
	The Chinese Legation to the Department of State.	Oct 29	Same subject. The Chinese Government has called a national convention to determine the form of government, in view of the evident popular desire therefor. This is communicated to the United States Government in order to avoid misunderstanding and in the belief that all friendly nations will regard with favor the hope of the Chinese people to secure peace and prosperity by restoring monarchical government.	71
807	Mr. Reinsch to Mr. Lansing.	---do-----	Taxation of foreigners. Refers to Department's No. 325 of Sept. 17, 1915. Ask for further instructions in regard to the subject of Legation's No 683 of July 9.	230
	Same to same (telegram)	Nov. 1	Political affairs. Gives reasons which prompted the British and Russian Ministers to concur in the suggestion of the Japanese Chargé to the Chinese Government that a stop be put to the monarchical movement.	72
811	Same to same ----------	Nov. 3	Same subject. Incloses newspaper extract which purports to give the substance of the representations made concerning the monarchical movement. Also transmits reply of the Chinese Government.	72
	The Department of State to the Japanese Embassy.	Nov. 4	Same subject. Reply to the Embassy's Oct. 27. This Government regards the matter as wholly a domestic question; hence any interference on its part would be an invasion of China's sovereignty unless convincing evidence, not now had, should show that foreign interests under its care would be imperiled.	76

CHINA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	The Department of State to the British Embassy.	Nov. 4	Same subject. Reply to Embassy's Oct. 27. Of the same tenor as the reply of Nov. 4 to the Japanese communication of Oct. 27.	76
	Mr. Lansing to Mr. Reinsch (telegram).	Nov. 6	Huai River Conservancy loan. His Oct. 25 is being considered by Red Cross and bankers.	214
350	Same to same	do	Infringement of trade-marks. Approves attitude of Legation as reported in No. 761 of Sept. 22, 1915.	255
351	Same to same	Nov. 8	Same subject. Approves action reported in No. 770 of Sept. 30, 1915.	255
820	Mr. Reinsch to Mr. Lansing.	Nov. 12	Political affairs. Election returns point to the unanimous acceptation of the monarchy by the designated electors. Whether vote is to be taken as a free expression of public opinion is open to discussion and doubt.	77
826	Same to same	Nov. 18	Infringement of trade-marks. Encloses copy of a note from the Foreign Office reporting settlement of the vaseline case.	255
827	Same to same	Nov. 19	Political affairs. The decision of this Government to regard the monarchical question as a domestic matter is highly appreciated by Chinese of all classes.	78
	Same to same (telegram)	Dec. 11	Same subject. Yuan called upon to accept the Emperor's crown. So far he has refused but he is expected to yield.	78
	Same to same (telegram)	Dec. 17	Huai River Conservancy loan. Suggestions for expediting the loan negotiations.	214
	Same to same (telegram)	Dec. 18	Political affairs. The Empire will probably be proclaimed immediately after Jan. 1. Asks instructions. Suggests recognition of the new government; gives reasons.	78
	Mr. Lansing to Mr. Reinsch (telegram).	do	Huai River conservancy loan. Reply to his Dec. 17. The American International Corporation is considering the conservancy project and will soon reply.	215
	Same to same (telegram)	Dec. 20	Taxation of foreigners. Reply to Legation's No. 807 of Oct. 29. Department reiterates its views expressed in its No. 90 of May 4, 1914, predicating its consent to the stamp tax upon assent by other foreign governments, which apparently has been refused. Instructs him, however, to inform interested Americans that they may think it best to view the matter in the practical light of probable decision of Chinese courts respecting unstamped documents.	231
	Same to same (telegram)	Dec. 21	Political affairs. Reply to his Dec. 18. Instructs him to recognize the new government if no serious opposition exists and the permanence of the new order seems assured.	79
369	Same to same	Dec. 27	Infringement of trade-marks. Acknowledges receipt of dispatch No. 826 of Nov. 18, 1915.	256
	Same to same (telegram)	Dec. 28	Huai River conservancy loan. The American International Corporation is the only firm disposed to take up the Huai River Conservancy matter; but, owing to Far East political conditions a loan now is not advisable. Extension of Red Cross option should be possible to the Chinese Government.	215
	Mr. Reinsch to Mr. Lansing (telegram).	Dec. 30	Same subject. Reply to Department's Dec. 28. Apprehensions as to political conditions unwarranted. Urges proceeding with the negotiations.	215
	The Secretary of State to the American Red Cross.	Dec. 31	Same subject. Transmits copy of Mr. Reinsch's Dec. 30.	216

COLOMBIA.

		1914.		
	Mr Betancourt to Mr. Bryan.	Dec. 2	Assumption of the Presidency by José Vicente Concha. Incloses letter from President Concha to President Wilson.	258
		1915.		
43	Mr. Lansing to Mr. Harrison.	Feb. 1	Same subject. Incloses the reply of the President	258
	Mr. Bryan to Mr. Betancourt.	Mar. 4	Treaty of Apr. 6, 1914. Explanation of the cause of the delay of ratification by the Senate and expression of regret therefor.	259
	Mr. Bryan to Mr. Harrison.	Mar. 5	Same subject. Transmits copy of the letter of Mar. 4, to Minister Betancourt for delivery to Foreign Office.	260

COLOMBIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Betancourt to Mr. Bryan.	1915. Mar. 12	Same subject. Reply to Department's Mar. 4. The Minister is forwarding the substance thereof to his Government and assuring it of his own and the Department's faith in the eventual ratification of the treaty.	260
136	Mr. Harrison to Mr. Bryan.	Mar. 19	Same subject. Reports compliance with the telegraphic instruction of Mar. 5 and the favorable reception in Colombia of the Department's statement.	261
24	Mr. Betancourt to Mr. Bryan.	Apr. 17	Same subject. Requests an official statement denying that the treaty "was shaped in virtue of intrigues of political persons and lawyers who took part in the settlement of the questions."	261
153	Mr. Bryan to Mr. Betancourt.	Apr. 23	Same subject. In compleance with the Minister's request of Apr. 17, officially declares that in negotiating the treaty the United States was in no wise influenced by any outside sources.	262
	Mr. Betancourt to Mr. Lansing.	Dec. 2	Same subject. Informs the Department that he foresees the withdrawal of Colombia from the Pan American Union unless the treaty is ratified by the Senate.	262
	Mr. Lansing to Mr. Betancourt.	Dec. 21	Same subject. Reply to the Legation's Dec. 2 with assurances that the Department will make every proper effort to secure ratification.	263

COSTA RICA.

53	Mr. Hale to Mr. Bryan	1915. Jan. 8	Protest of the United States against the presence in Costa Rica of certain Nicaraguan revolutionists. Incloses reply of the Foreign Office to his note of Dec. 30, concerning the use by the Foreign Office of "demanda" as interpreting the Minister's "request."	264
55	Same to same	Jan. 11	Same subject. Incloses copy of his reply to the Foreign Office note inclosed with his No. 53.	265
	Mr. Bryan to Mr. Hale (telegram).	Jan 14	Same subject. Transmits memorandum of conversation between the Secretary and the Minister of Costa Rica, in which the position of this Government, as intended to be conveyed by the instruction of Dec. 18, was explained; suggests that a similar explanation be made to the Foreign Office.	265
56	Mr. Hale to Mr. Bryan	Jan. 18	Same subject. Reply to the foregoing	266

CUBA.

	Memorandum from the Chinese Legation.	1915. Jan. 16	Restriction of Immigration of Chinese to Cuba. Says that Cuba has rescinded order of Nov. 14, 1913, suspending operation of law imposing $500 head tax on Chinese immigrants and that Chinese Chargé has protested. Asks assistance of American Government to secure relaxation of measure.	267
	Mr. Bryan to Mr. Gonzales (telegram).	Jan. 20	Same subject. Informs him of contents of note of Jan. 16, from the Chinese Minister and directs inquiry and report as to whether it is possible to secure modification of order.	267
	Mr. Gonzales to Mr. Bryan (telegram).	Jan. 27	Same subject. Has taken up matter with the President.	267
47	Mr. Bryan to Mr. Kai	Jan. 28	Same subject. Incloses paraphrases of telegrams exchanged between Department and American Minister at Habana.	268
44	Mr. Kai to Mr. Bryan	Feb. 5	Same subject. Expresses appreciation for assistance given Chinese Chargé at Habana.	268
46	Same to same	Feb. 19	Same subject. Asks that American Minister at Habana be instructed to cooperate with the Chinese Chargé for purpose of securing consent of Cuban Government to allow question of admission of Chinese to remain in statu quo by rescinding recent order until conclusion of treaty between Cuba and China.	269
150	Mr. Bryan to Mr. Gonzales	Feb. 27	Same subject. Incloses copy of note of February 19, from Chinese Minister and directs use of good offices to secure consent of Cuban Government to allow suspending order of November, 1913, to remain in effect pending conclusion of proposed treaty between China and Cuba.	269

CUBA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Bryan to Mr. Kai	do	Same subject. Informs him of instructions of this date to the American Legation at Habana.	270
220	Mr. Gonzales to Mr. Bryan	Apr. 12	Same subject. Encloses correspondence with Foreign Office.	270
	Same to same (telegram)	Apr. 17	Same subject. President has suspended for 60 days prohibition against Chinese immigration.	272
69	Mr. Bryan to Mr. Kai	Apr. 20	Same subject. Informs him of suspension for 60 days of prohibition against Chinese immigration, and of statement made by the American Minister at Habana that "there is very little prospect of accomplishing anything without the presence of the Chinese Minister."	273
68	Mr. Kai to Mr. Bryan	May 13	Same subject. Acknowledges note of the 20th ultimo, and asks that instructions be issued to the American Minister at Habana to cooperate with the Chinese Chargé in effort to induce Cuban Government to allow suspending order to remain in force pending conclusion of treaty between China and Cuba.	273
	Mr. Bryan to Mr Gonzales (telegram).	May 17	Same subject. Instructs that he cooperate with Chinese Chargé in an effort to induce Cuban Government to allow suspending order to remain in force pending conclusion of treaty.	273
73	Mr. Bryan to Mr. Kai	May 18	Same subject. Incloses paraphrase of telegram of 17th instant to Habana.	274
	Mr. Gonzales to Mr. Bryan (telegram).	May 22	Same subject. Acknowledges instruction of May 17, and says matter has been presented to the President who does not feel that further suspension of decree can be granted.	274
74	Mr. Bryan to Mr. Kai	May 25	Same subject. Incloses paraphase of telegram of the 22d from Habana.	275
72	Mr. Kai to Mr. Bryan	June 12	Same subject. Acknowledges notes of 18th and 25th ultimo and expresses thanks for assistance rendered Chinese chargé at Habana.	275

DENMARK.

		1915.		
		Jan. 20	Treaty for the advancement of general peace, concluded between the United States and Denmark. Proclamation.	276

DOMINICAN REPUBLIC.

		1915.		
	Mr. Sullivan to Mr. Bryan (telegram).	Jan. 9	Political affairs. In view of the very difficult situation of the Government, President Jiménes asks for delay of the reforms sought by the United States.	279
	Mr. Bryan to Mr. Jiménes	Jan. 9	Financial affairs. Desires him to call at Department to discuss personally certain suggested reforms in the Dominican Republic. Incloses memorandum of forms suggested.	297
	Mr. Sullivan to Mr. Bryan (telegram).	Jan. 11	Same subject. Reports attempted removal of deputy receivers by Dominican Government and agrees with position of Mr. Baxter as to wisdom of taking the Receivership out of politics at once.	299
	Mr. Bryan to Mr. Sullivan (telegram).	Jan. 12	Political affairs. Instructs him to inform President Jiménes that the American Government will support him in the suppression of any insurrection against his Government; and to notify both Horacio Vásquez and Arias that they will be held personally responsible if they attempt to embarrass the Government.	279
	Same to same (telegram)	do	Financial affairs. Instructs him to make suggestion to President Jiménes to issue a proclamation with a view to prevent reduction in revenue derived from internal revenue stamps.	299
	Same to same	Jan. 15	Same subject. Approves representations made to the President regarding deputy receivers and instructs him to impress upon President Jiménes the necessity for adopting certain measures for increasing revenues.	300
9	Mr. Jiménes to Mr. Bryan	Jan. 20	Same subject. Submits views and purposes of the Dominican Government in the matter of appointing customs officers of the Republic.	300

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Sullivan to Mr. Bryan (telegram).	Jan. 27	Political affairs. Reports in regard to difficulties encountered by President Jiménes, who requests that if practicable the U. S. S. *Castine* be sent to Puerto Plata.	280
	Mr. Bryan to Mr. Sullivan (telegram).	Jan. 28	Same subject. Instructs him to support President Jiménez enforcing order for removal of Governor of Puerto Plata and for resistance to Vidal's activities. Navy Department has been asked to send the *Castine* to Puerto Plata.	280
	Mr. Sullivan to Mr. Bryan (telegram).	Feb. 1	Same subject. Reports that the Dominican Government intends to forcibly eject the Governor and military commandant of Puerto Plata and requests allowance of sufficient funds to suppress successfully the threatened resistance. Instructions requested.	280
14	Mr. Jiménes to Mr. Bryan	...do...	Financial affairs. Transmits copy of Gaceta Oficial containing decree forbidding the use of stamps and stamped paper which formed part of the internal revenue of the Dominican Republic.	302
	Mr. Sullivan to Mr. Bryan (telegram).	Feb. 2	Political affairs. Reports that present trouble in Puerto Plata is to determine whether the professional revolutionist need fear American action. Recommends prompt and vigorous suppression of this disturbance.	281
	Mr. Bryan to Mr. Sullivan (telegram).	...do...	Same subject. Informs him of Department's opinion as to proper procedure for suppression of insurrectionists and instructs him to advise President Jiménes thereof, report his views, and the Legation's recommendations.	281
	Mr. Sullivan to Mr. Bryan (telegram).	Feb. 3	Same subject. President Jiménes accepts Department's plan of campaign against insurrectionists. Requests instructions for allowance necessary to equip expedition.	282
	Same to same (telegram)	Feb 8	Same subject. Rebellious Puerto Plata officeholders have agreed to turn offices over to the Dominican Government. President Jiménes has ordered suspension of military movement.	282
	Mr. Bryan to Mr. Sullivan (telegram).	Feb. 9	Same subject. Reply to his Feb. 8. The Department is pleased to learn of peaceful termination of the President's controversy with Puerto Plata.	282
	Mr. Sullivan to Mr. Bryan (telegram).	...do...	Same subject. Government officials are installed at Puerto Plata. Dominican appreciation of assistance given by Commander of U. S. S. *Castine*.	282
	Same to same (telegram)	...do...	Financial affairs. Reports that the Dominican Congress has refused twice to ratify the financial expert's appointment. Politicians show irritation because of financial expert's control of public funds.	302
128	Mr. Bryan to Mr. Jiménes	Feb 15	Same subject. Refers to his note of Jan. 20, 1915; reviews the question of appointments in the receivership of the Dominican Republic and submits recommendation of an agreement to promote efficiency in the service.	302
	Mr. Sullivan to Mr. Bryan (telegram).	Mar. 3	Same subject. Reports that Dominican Government asks that $120,000 be made available to put railroad in working order and recommends that money be used for purpose indicated under certain conditions.	305
	Same to same (telegram)	Mar. 4	Same subject. Reports request of the general director of public works that he be authorized to borrow $50,000 from credit order to continue work now in progress.	305
	Mr. Bryan to Mr. Sullivan (telegram).	Mar. 6	Same subject. Dominican Minister has been informed that Department sanctions under certain conditions money for repairs Dominican Central Railroad.	306
	Mr. Sullivan to Mr. Bryan (telegram).	Mar. 12	Same subject. Recommends funds for road from La Vega to Santo Domingo	306
	Mr. Bryan to Mr. Sullivan (telegram).	Mar. 18	Same subject. Department is not prepared to approve expenditure of public works funds without congressional sanction unless legality clear. Asks citation of laws	306
	Mr. Sullivan to Mr. Bryan (telegram).	Mar. 25	Political affairs. Gunboat desirable	283
	Mr. Bryan to Mr. Sullivan (telegram).	Mar. 27	Same subject. Gunboat will be sent	283
	Mr. Sullivan to Mr Bryan (telegram)	...do...	Financial affairs. Financial expert outlines economies to reduce running expenses of government.	307
	Mr. Bryan to Mr. Sullivan (telegram).	Mar. 30	Same subject. Baxter instructed to pay over to Dominican Government after Apr. 1, only such amounts as it may be entitled to by treaty.	307

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Bryan to Mr. Sullivan (telegram).	Mar. 31	Same subject. Refers to his March 12, and says authorization by Dominican Congress necessary for expenditure of funds, and directs that order 1334 be disapproved.	307
	Same to same (telegram)	Apr. 1	Same subject. Refers to his March 4th. Department unwilling to authorize transfer of money from credit order 1325 to continue work now in progress. Explains policy of Department which is not to interfere in details of internal improvements.	307
	Mr. Sullivan to Mr. Bryan (telegram).	Apr. 8	Political affairs. Reports political plot to impeach President Jiménes. Recommends that politicians be given to understand that Jiménes cannot be impeached for good faith with the United States.	283
	Mr. Bryan to Mr. Sullivan (telegram).	Apr. 9	Same subject. This Government will not permit any attack on President Jiménes for acting in good faith toward United States.	283
	M . Sullivan to Mr. Bryan (telegram).	Apr. 15	Same subject. As a result of the carrying out of instruction of April 9 a better situation exists.	284
	Mr. Pichardo to Mr. Bryan	Apr. 17	Financial affairs. Informs Department of appointment of a commission to discuss certain questions and asks that it be received.	308
	Mr. Sullivan to Mr. Bryan (telegram).	Apr. 18	Political affairs. Horacista party preparing to start revolution. Believes Department should take action at outset to convince revolutionists this Government will itself suppress revolts.	284
	Mr. Bryan to Mr. Sullivan (telegram).	Apr. 20	Same subject. Reply to his Apr. 18. It is not wise to authorize money for military purposes. Directs movement to suppress revolts.	284
	Mr. Sullivan to Mr. Bryan (telegram).	Apr. 24	Same subject. Dominican Government desires $12,000 for munitions. Situation, in view of Department's attitude, is better.	285
	Same to same (telegram)	May 5	Same subject. Ovendo leading small force against Government in Macoris.	285
	Same to same (telegram)	May 6	Same subject. President issues proclamation concerning revolutionary movements. Trouble at Macoris subsiding.	285
	Same to same (telegram)	May 8	Same subject. Government anticipates several small disturbances as forerunner of revolution. Steps being taken to apprehend leaders.	286
	Mr. Bryan to Mr. Sullivan (telegram).	May 10	Same subject. Directs that he keep in touch with Government and render all possible assistance in suppression of disturbances. Navy Department will be asked to give necessary instructions.	286
	Mr. Sullivan to Mr. Bryan (telegram).	May 12	Same subject. Ovendo's band defeated. Government taking rigorous measures and desires munitions.	286
	Same to same (telegram)	May 14	Same subject. Horacista Bonneti killed General Ricart, chief of President's bodyguard. Political feeling running high.	286
	Mr. Tumulty to Mr. Bryan	May 15	Financial affairs. Incloses a letter from President Jiménes to President Wilson naming special commission with credentials.	308
	The Dominican Commissioners to the Department of State.	(1)	Same subject. Sets forth understanding of Dominican Government to effect that Dominican President has unrestricted power concerning appointments in the Custom service.	309
	Mr. Sullivan to Mr. Bryan (telegram).	May 26	Political affairs. Constitutional convention being urged by opposition, to meet June 1. Government favors election new convention to meet in February or reconvening Bordas convention elected in December, 1913.	286
	Same to same (telegram)	do	Same subject. Department's policy finally understood and accepted. General opinion revolution no longer means of power. Long period of prosperity believed at hand.	287
	The Department of State to the Dominican Legation.	June 8	Financial affairs. Sets forth position concerning appointments of personnel of the receivership, which is a function of the President of the United States.	310
	Same to same	June 8	Same subject. Discusses appointment of financial expert and duties of general receiver.	311
57	The Dominican Legation to the Department of State.	June 10	Same subject. Acknowledges note and says appointment of customs officials is vested by the Constitution in the President of the Republic.	313
	President Jiménes to President Wilson (telegram).	June 22	Same subject. Requests directions be given to prevent Charles Johnston from assuming office in Santo Domingo.	313

[1] Undated (left at Department May 15, 1915.)

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Lansing to Mr. Johnson (telegram).	June 26	Same subject. Informs him of receipt of telegram from President Jiménes, and says that if complaints against Mr. Johnston will be specifically set forth they will receive careful examination. This Government is loath to consider removal of employee under receivership without hearing.	313
	Mr. Johnson to Mr. Lansing (telegram).	July 6	Same subject. Reports passage by Congress of budget carrying appropriations in excess of estimates. Bill returned by President, who sends special message urging reconsideration, but has no hope of favorable action. Minister of Finance says that he can operate under old budget and keep within obligations.	314
	Same to same (telegram)	July 7	Political affairs. Outbreaks likely. Arias active and may be dismissed by President. The United States should be prepared to land forces.	287
	Same to same (telegram)	July 9	Same subject. Party of armed men go to bush from Macoris. Vasquez returns from United States. Vidal thought to be in New York; should be investigated. Arrests made. Enforced enlistments for army. Censorship of cables and telegraph.	287
	Same to same (telegram)	July 14	Same subject. Situation not improved. President determined to compel order, and intimates presence of war vessel would be of great assistance.	288
			Financial affairs. Heavy inroads on funds appropriated for other purposes have been made for war operations.	314
	Mr. Lansing to Mr. Johnson (telegram).	July 16	Political affairs. Directs that Department's telegraphic instruction of Apr. 9 be brought to attention of the opposition, particularly Arias; they will be held personally responsible for disorders. Protest against diversion of funds. *Nashville* ordered to Santo Domingo.	288
	Same to same (telegram)	do	Financial affairs. Protest strongly against diversion of funds as contrary to the convention.	315
	Mr. Johnson to Mr. Lansing (telegram).	July 22	Political affairs. In pursuance of Department's July 16, he has talked with Arias and other leaders. Has made written protest against diversion of funds.	289
189	Same to same (telegram)	do	Same subject. Refers to Department's July 16. Incloses copy of an open letter to Horacio Vasquez, and quoted to American consular officers in the Dominican Republic and to the press, outlining this Government's policy in the Dominican Republic; also a note to the Foreign Office embodying protest in reference to diversion of funds.	289
	Same to same (telegram)	do	Financial affairs. Department's July 16, 4 p. m. Verbal and written protest made against diversion of funds.	315
189	Same to same	do	Incloses copy of note addressed to the Foreign Office in reference to the diversion of funds.	31
	Same to same (telegram)	July 26	Political affairs. *Nashville* arrived. Country quiet except at Macoris and La Romana. Government sends more troops.	291
	Mr. Lansing to Mr. Johnson (telegram).	July 27	Same subject. Commends action reported in his July 22. Department hopes for early cessation of disorders.	291
	Same to same (telegram)	do	Financial affairs. Instructs to consult with receiver and report recommendation as to liquidation of diversions already made and for the establishment of finances upon sound basis once order is restored.	316
193	Mr. Johnson to Mr. Lansing.	July 30	Political affairs. Refers to his No. 189 and incloses reply of Horacio Vasquez to his telegram copied in that despatch; also incloses reply of the Foreign Office to his note of protest against diversion of funds, copied in the same despatch.	292
			Financial affairs. Incloses copy of the note from the Foreign Office in reply to his protest against the diversion of funds. Comments thereon.	316
	Mr. Lansing to Mr. Johnson (telegram).	Aug. 3	Same subject. Expresses hope that President's message will have favorable results, but nothing should be left undone to prevent budget carrying appropriations in excess of revenue.	316
	Mr. Johnson to Mr. Lansing (telegram).	Aug. 17	Political affairs. Minister of Finance resigns. Minister of Foreign Affairs not chosen. President's health and intrigues make situation uncertain. United States vessel with forces ready for immediate service seems advisable.	293

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Johnson to Mr. Lansing (telegram).	Aug. 20	Financial affairs. Old budget continues in force, but appropriations will be operated so as not to exceed estimated income. List of items suppressed to be given publicity.	317
	Mr. Lansing to Mr. Johnson (telegram).	Aug. 23	Political affairs. U. S. S. *Marietta* being dispatched to Santo Domingo.	294
200	Mr. Johnson to Mr. Lansing.	Aug. 26	Financial affairs. In pursuance of Department's July 27, he sends inclosed the Legation's recommendations as to liquidation of diversions of revenue, and on the subject of the reestablishment of the Government's finances on a sound basis.	317
	Mr. Lansing to Mr. Johnson (telegram).	Sept. 2	Political affairs. *Marietta* detained, and in view of work being performed by Navy in Haiti, will not be detailed unless absolutely necessary in Dominican waters.	294
	Mr. Johnson to Mr. Lansing (telegram).	Sept. 3	Same subject. Recommendations intended to be conveyed in his Aug. 17, in regard to American vessel coincide with Department's views.	294
	Same to same (telegram)	Sept. 4	Same subject. Government weak and temporizing. Present conditions warrant serious consideration of American rights.	294
	Mr. Lansing to Mr. Johnson.	Sept. 15	Financial affairs. Acknowledgement of receipt of of his No. 200 of Aug. 26.	321
	Mr. Johnson to Mr. Lansing (telegram).	Sept. 16	Political affairs. Calcaño forces attacked Macoris, killing eight. Batista attacked Guarda Costa. Small revolutionary bands operating at Azua. No new developments at Sanchez and Puerto Plata.	295
139	Mr. Polk to Mr. Russell	Sept. 17	Financial affairs. Reviews political and financial conditions, pointing out increasing indebtedness of Dominican Government. Recommends conclusion of amended convention, more comprehensive than that of 1907, and directs report in event this can not be accomplished.	321
	Mr. Johnson to Mr. Lansing (telegram).	Sept. 21	Political affairs. Feliu and followers surrendered. Former to leave the country.	295
	Mr. Polk to Mr. Johnson (telegram).	do	Financial affairs. Before it can consider a loan, Department must have statement showing Dominican Republic's total income and outgo and floating debt; further details; Minister Russell will soon arrive in Santo Domingo and will then propose adoption of measures calculated to give practical relief.	326
	Same to same	Sept. 23	Political affairs. Acknowledgment of his No. 193 of July 30.	296
	Same to same (telegram)	Sept. 28	Financial affairs. No further indebtedness to the convention fund should be incurred unless satisfactory repayment plan be first arranged, such as now proposed by Dominican Government through a loan, to obtain which the Department is ready to lend all proper assistance.	326
	Mr. Russell to Mr. Lansing (telegram).	Oct. 22	Political affairs. The present developments do not seem to demand action similar to that taken in Haiti. Expresses fear that open rupture between Arias and Velasquez might result. Extraordinary session of Congress to be called regarding financial condition.	296
13	Same to same	Oct. 29	Financial affairs. Reports on financial situation	326
	Mr. Lansing to Mr. Russell (telegram).	Nov. 4	Same subject. Department will await report concerning revised convention before considering increase of indebtedness to convention fund and proposed loan or any nonconstructive measures which would afford but temporary relief.	327
	Mr. Russell to Mr. Lansing (telegram).	Nov. 5	Same subject. Has reported by mail concerning improbability of securing approval of Congress to amended convention. President absent and return uncertain. Minister of Finance requests approval of advance to pay salaries.	328
22	Same to same	Nov. 8	Same subject. Report on financial situation, which is still in a hopeless state.	328
	Same to same (telegram)	Nov. 10	Same subject. Minister of Finance requests advance of $60,000 a month for two or three months, and asks that this be retained from the Government's portion of collections.	329
			Minister threatened to resign when request was refused prior to consulting Department, but will await action by the Department.	329
	Mr. Lansing to Mr. Russell (telegram).	Nov. 14	Same subject. Department prefers to have office of financial advisor established so that it will not be subject to abolishment by future administrations, but is willing to have his rights and duties vested in receivership. Directs to insist upon constabulary, pointing out advantages. Upon receipt of note accepting conditions Department will arrange advance of $120,000.	330

DOMINICAN REPUBLIC—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Russell to Mr. Lansing (telegram).	Nov. 20	Same subject. Note presented. Congress called. Horacistas may use our demands in propaganda to start revolution. Some possibility that President may resign. Arias and Vidal can control Congress, and latter would undoubtedly be named President. Asks concerning measures Department would take to prevent election of Arias.	331
	Mr. Lansing to Mr. Russell (telegram).	Nov. 26	Same subject. Resignation of President would be matter of regret and concern. Assure President of our support in efforts toward bettering conditions in the Republic.	331
28	Mr. Russell to Mr. Lansing	Nov. 30	Political affairs. Calls attention to practice of Dominican Government in transporting undesirable revolutionists and persons charged with common crimes to Porto Rico. Matter has been called to attention of the Government with view to punishment of criminals.	296
14	Mr. Polk to Mr. Russell	do	Financial affairs. Acknowledges with approval his No. 22 of the 8th inst.	331
	Mr. Lansing to Mr. Russell (telegram).	Dec. 2	Same subject. Discreetly inform persons seeking to overthrow the Government, or to force the resignation of the President, that this Government will use means at its disposal to secure peace and to prevent disorders.	332
30	Mr. Russell to Mr. Lansing	Dec. 9	Same subject. Reports interview with the President on the subject matter of his note of Nov. 19. Incloses copy of correspondence with the Foreign Office.	332
	Same to same (telegram)	Dec. 17	Same subject. The Government, convinced of approaching revolution, asks what financial aid may be expected from the United States in case of trouble.	339

ECUADOR.

		1915.		
	Mr. Córdova to Mr. Bryan	Feb. 9	Guayaquil & Quito Railway Co. The company intends to lodge with the Department a protest against diversion by Ecuador of funds to other uses than the payment of obligations entered into with the company. As the matter is not a diplomatic one, it is hoped the Department will ignore the protest.	340
17	Mr. Bryan to Mr. Córdova	Feb. 13	Same subject. If protest is received by the Department, he will be advised of the steps it deems advisable to take.	341
	Mr. Córdova to Mr. Bryan	Mar. 13	Same subject. Requests that the Department obtain for him from the company certain documents and data; also that he be furnished a copy of Arbitrator Miller's report. Incloses copy of report of Arbitrator Baquerizo Moreno.	341
61	Mr. Lansing to Mr. Hartman.	Apr. 2	Same subject. The company has lodged protest against the Government of Ecuador for diverting funds to other purposes than those contracted for by that Government with the company. Instructs to bring to the attention of the Foreign Office.	342
	Mr. Hartman to Mr. Bryan (telegram).	Apr. 24	Imprisonment of M. D. Strong. Reports facts re arrest. Has requested full statement of charges and proof against him.	373
	Mr. Bryan to Mr. Hartman (telegram).	Apr. 26	Guayaquil & Quito Railway Co. Quotes telegram from the President of Ecuador to the secretary of the foreign bondholders and instructs to ascertain whether the telegram means that the Government of Ecuador desires to have the mortgage foreclosed and the rights of the stockholders forfeited.	343
	Same to same (telegram)	do	Imprisonment of M. D. Strong. Insist that authorities permit American prisoner free communication with diplomatic and consular representatives.	374
	Mr. Hartman to Mr. Bryan (telegram).	Apr. 29	Same subject. Recommends that Consular Agent at Bahia be instructed to investigate immediately.	374
	The British Embassy to the Secretary of State.	Apr. 30	Guayaquil and Quito Railway Co. The British representative at Quito has been instructed to draw attention of the Government of Ecuador to the obligations of that Government towards the bondholders; asks whether the Government of the United States intends to take similar steps.	344
	Mr. Bryan to Mr. Goding (telegram).	May 1	Imprisonment of M. D. Strong. Have agent Bahia investigate reported arrest of Strong.	374

ECUADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	The Secretary of State to the British Embassy.	1915. May 7	Guayaquil and Quito Railway Co. Incloses copy of Department's telegram to Mr. Hartman Apr. 26, 1915. Requests to be informed what steps the British Government is taking to compel the Government of Ecuador to comply with its contractual obligations.	344
85	Mr. Goding to Mr. Bryan	May 11	Imprisonment of M. D. Strong. Investigation proves there is no evidence against Strong.	374
18	Mr. Bryan to Mr. Córdova	May 12	Guayaquil and Quito Ry. Co. Reply to his Mar. 13. The Department can not ask the company to furnish certain documents and data for the Government of Ecuador; the contents of the report of Arbitrator Baquerizo are not of such value as is customary to attach to formal reports and the report of Arbitraror Miller is not a public document and can not be furnished to the Government of Ecuador	345
	Mr. Goding to Mr. Bryan (telegram).	---do-----	Imprisonment of M. D. Strong. Same purport as Mr. Goding's No. 85, above.	375
	Mr. Bryan to Mr. Hartman (telegram).	May 14	Same subject. Use best efforts obtain Strong's release.	375
	Mr. Hartman to Mr. Bryan (telegram).	May 19	Guayaquil & Quito Ry. Co. Reports answer of the Minister for Foreign Affairs to the protest contained in Department's No. 61 of Apr. 2, 1915. It denies the right of the United States to intervene in the matter.	346
	Same to same (telegram)	May 22	Imprisonment of M. D. Strong. Orders telegraphed to Manta for release of Strong.	376
114	Same to same	May 24	Same subject. Additional reports re Strong's imprisonment. Correspondence with the Foreign Office.	376
118	Same to same	June 4	Guayaquil & Quito Ry. Co. Incloses a note from the Foreign Office stating that the subject under discussion is not one to be dealt with through the diplomatic channel.	346
	Mr. Spring Rice to Mr. Bryan.	June 7	Same subject. Draws attention to various works which are being carried on by the Government of Ecuador with funds which were preferentially pledged to the bondholders of the railway company.	351
	Mr. Lansing to Mr. Hartman (telegram).	June 16	Same subject. Instruction to use personal good offices in urging Ecuador to complete remittance to London for July coupon on prior lien bonds.	352
	Mr. Hartman to Mr. Lansing (telegram).	June 17	Same subject. Reply to the foregoing. Minister for Foreign Affairs regrets inability to make remittance now.	352
70	Mr. Osborne to Mr. Hartman.	June 23	Imprisonment of M. D. Strong. Considers Ecuadorian Government should take action against Governor of Manabí because of his arbitrary measures which caused the unwarranted arrest of Mr. Strong.	379
	Mr. Spring Rice to Mr. Lansing.	July 7	Guayaquil & Quito Ry. Co. Quotes letter from the council of foreign bondholders expressing disappointment at the course adopted by President Plaza as evinced by his telegram to the secretary of the council of foreign bondholders of Feb. 8, 1915.	352
	Same to same	July 11	Loan negotiations. The British Government is in agreement with the Government of the United States in its attitude towards a loan and will, if approached, refuse any assistance.	353
	Mr. Hartman to Mr. Lansing (telegram).	July 19	Same subject. The Government of Ecuador urgently requests the active assistance of the Department in its efforts to secure a loan; situation critical.	353
	Mr. Adee to Mr. Hartman (telegram).	July 23	Same subject. The Department is advised that the railway company has no objection to the proposed loan if the Government of Ecuador will make provision to use part of the proceeds to pay the arrears in interest and sinking fund of the railway bonds, if the customs dues pledged to the service of the bonds remain inviolate and if its claims are paid. The Department feels that it would not be justified to assist Ecuador unless a satisfactory settlement is had with the railway company.	354
	Mr. Lansing to Mr. Spring Rice.	July 24	Same subject. The Minister of Ecuador has been informed by the Department that it is not possible to disassociate the question of a loan from the settlement of the case of the Guayaquil & Quito Ry. Co.	354
	Mr. Córdova to Mr. Lansing.	July 26	Guayaquil & Quito Ry. Co. case. Requests that he be furnished a statement in writing of the conversation which took place at an interview with the Secretary of State on the 20th instant.	355

ECUADOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Lansing to Mr. Córdova.	July 30	Same subject. Repeats statement made at the interview of the 20th instant that the two subjects can not be separated. Reply to the foregoing.	355
	Mr. Lansing to Mr. Hartman (telegram).	Aug. 6	Same subject. Department is advised that the Congress of Ecuador will be asked to authorize the Executive to suspend payments until differences with the railway company are settled.	355
	Mr. Hartman to Mr. Lansing (telegram).	Aug. 9	Same subject. Reply to the foregoing. President Plaza denies that he intends to ask Congress for authority to suspend all payments until differences with the railway company are settled.	356
130	Same to same	Aug. 19	Loan negotiations. Incloses a note from the President of Ecuador stating the causes of the failure of Ecuador to make payments due on the Quayaquil & Quito Railway bonds. Reviews the differences with the railway company and states that his Government is willing to use part of the proceeds of the loan for the payment of the bonds.	356
139	Same to same	Sept. 21	Imprisonment of M. D. Strong. Minister of Foreign Affairs states that his Government instructed the Governor of Manabí that no further ill treatment of foreigners should occur in that province.	379
	Mr. Lansing to Mr. Hartman (telegram).	Oct. 11	Guayaquil & Quito Ry. Co. Instructs to protest against the resolution of the Ecuadorian Congress cancelling the arbitration and directing the defensor fiscal to take legal proceedings and to lay an embargo on the property of the company.	360
	Mr. Hartman to Mr. Lansing (telegram).	Oct. 13	Same subject. Protest was delivered today	361
145	Same to same	Oct. 19	Same subject. Incloses copy of his protest to the Foreign Office as instructed in Department's telegram of Oct. 11, 1915; also copy of the resolution.	361
	Same to same (telegram)	Oct. 20	Same subject. Reports receipt of note from the Minister for Foreign Affairs reiterating the question of propriety of diplomatic action by the Government of the United States.	363
	Same to same (telegram)	Oct. 21	Same subject. Ecuadorian officials have solicited negotiations for private settlement of differences with the company.	363
	Mr. Lansing to Mr. Hartman (telegram).	Oct. 23	Same subject. Instruction to report nature and scope of the private settlement solicited.	364
83	Same to same	...do...	Same subject. Instructs to deliver to the Government of Ecuador the protest of the railway company against the issuance of treasury warrants to be received in payment of export duties which would impair the customs receipts pledged to the service of the railway bonds.	364
	Mr. Hartman to Mr. Lansing (telegram).	Oct. 28	Same subject. Reply to the Department's Oct. 23, 4 p. m. The nature and scope of the private settlement will be determined at a conference to be held Nov. 4.	364
147	Same to same	Nov. 2	Same subject. Incloses copy of the note from the Minister for Foreign Affairs in answer to Legation's note of protest as directed by Department's telegram of Oct. 11, 1915.	364
	Mr. Lansing to Mr. Hartman (telegram).	Nov. 19	Loan negotiations. Reply to his No. 130 of Aug. 19. The Department is willing to assist Ecuador so far as it can properly do so in obtaining a loan, provided that Ecuador immediately resume daily payments for the service of the bonds and engage an American official to examine into the claims of Ecuador and the railway company against each other and to render a final decision.	367
153	Mr. Hartman to Mr. Lansing.	Dec. 5	Guayaquil & Quito Ry. Co. Refers to Department's No. 83 of Oct. 23 and reports presentation of protest, to which no reply has yet been received; incloses his Foreign Office note No. 130 of May 8 and the reply thereto, No. 93 of May 14.	368
	Same to same (telegram)	Dec. 10	Loan negotiations. Substance of Department's telegram of Nov. 19 was delivered to President Plaza on Nov. 22. On Dec. 2 the President declined to consider the propositions of the Government of the United States.	369
155	Same to same	Dec. 11	Same subject. Refers to the foregoing and incloses copies of his memorandum of Nov. 22 and the President's reply of Dec. 2.	370

EDUCATOR—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Lansing to Mr. Hartman (telegram).	1915. Dec. 22	Guayaquil & Quito Ry. Co. The bondholders are becoming impatient at the continued failure of the Government of Ecuador to make remittances for interest and sinking fund. Ecuador seems bent upon elimination of the present railway administration; this Government will insist upon compliance with contractual obligations.	373

FRANCE.

	Mr. Jusserand to Mr. Bryan.	1914. Nov. 23	Taxation of the French Cable Co. in the United States. States that the Compagnie Française des Câbles is being taxed by the States of Massachusetts and Connecticut. Asks relief.	390
1418	Mr. Bryan to Mr. Jusserand.	Dec. 16	Same subject. Department unable to ascertain that there is any treaty, understanding or agreement between United States and France and Compagnie Française des Câbles exempting from taxation the pole lines from Orleans, Mass., to New York.	391
	----------	1915. Jan. 23	Treaty between United States and France for the advancement of peace. Text.	380
452	Mr. Bryan to Mr. Sharp (telegram).	Jan. 5	Liability to French military service of naturalized American citizens of French origin and of American-born children of French parentage. Chandeysson case. Refers to Mr. Herrick's No. 767 of Nov. 17, 1914. Instruction to ask for release of Chandeysson.	384
452	Mr. Sharp to Mr. Bryan (telegram).	Jan. 14	Same subject. Peralme case. Refers to Department's No. 442 of Dec. 31, 1914. Reports refusal of French Government to release Peralme.	384
453	Same to same (telegram)	---do-----	Same subject. Chandeysson case. Refers to the two foregoing papers. Release of Chandeysson refused.	384
493	Mr. Bryan to Mr. Sharp (telegram).	Jan. 21	Same subject. Lacombe case Refers to the foregoing and instructs him to request the French Government to discriminate between Frenchmen naturalized as Americans who emigrated before becoming liable to military service, and others. The Department will continue to make representations whenever informed of the impressment into the French army of a naturalized American.	385
	Mr. Bryan to Mr. Young--	Feb. 1	Same subject. Pellissier case. Letter explaining the French law involved.	385
	Mr. P. A. Lelong to the President.	Apr. 8	Same subject. Incloses copies of his letter of Mar. 27 to the Department and the Department's reply of Apr. 2; appeals from the conclusion of the Department as to his possession of dual nationality, and requests a reversal of its ruling.	386
	Mr. Bryan to Mr. Lelong--	May 5	Same subject. Reply to the foregoing, referred to the Department by the President.	387
	Mr. Jusserand to Mr. Bryan.	May 28	Taxation of the French Cable Co. in the United States. Submits facts re reciprocal agreement of 1879 and requests early solution.	391
446	Mr. Lansing to Mr. Sharp--	July 1	Liability to French military service. Seronde case. Instruction to say to the French Government that this Government can not recognize the right of French officials to summon citizens of the United States, residing within its territory and jurisdiction, to leave the United States and go to France to perform military service, whether or not they may be considered French citizens under French law; and that this objection applies equally to cases of persons born in France, naturalized in the United States, who have renounced allegiance to France; and applies also to cases of persons born in the United States of French parents, who are citizens of the United States by provision of the fourteenth amendment to the Constitution.	388
	Mr. Lansing to Mr. Jusserand.	July 7	Taxation of the French Cable Co. in the United States. Additional facts re taxation by authorities of Massachusetts of the Compagnie Française des Câbles.	393
	Mr. Lansing to Mr. Walsh.	---do-----	Same subject. Compagnie Française des Câbles requests that it be exempted from certain taxes assessed by the State of Massachusetts upon property situated within that State.	396

FRANCE—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Jusserand to Mr. Lansing.	July 12	Same subject. Requests that Governor of Connecticut be sent similar appeal as that sent Governor of Massachusetts re taxes demanded of Compagnie Française des Câbles Transatlantiques.	399
1513	Mr. Lansing to Mr. Jusserand.	July 26	Same subject. Governor of Connecticut has been addressed re taxes recently assessed by his State against the Compagnie Française des Câbles.	399
	Mr. Lansing to Mr. Holcomb.	---do----	Same subject. Requests that the Compagnie Française des Câbles be exempted from certain taxes assessed by authorities of Connecticut upon property situated in that State.	400
	Mr. Maltbie to Mr. Lansing.	Aug. 3	Same subject. The Legislature only can exempt the company from taxation. Next session will take place in January, 1917.	401
1520	Mr. Lansing to Mr. Jusserand.	Aug. 11	Same subject. The authorities of Massachusetts are inclined to give consideration to the request of the cable company.	402
	Mr. Lansing to Mr. Maltbie.	Aug. 13	Same subject. Department awaits further advice from Governor re taxation of Compagnie Française des Câbles.	403
1089	Mr. Sharp to Mr. Lansing (telegram).	Nov. 9	Liability to French military service. Kirghis case. Requests instruction.	390
	Mr. Lansing to Mr. Jusserand.	Nov. 10	Appointment of the Commission under Article 2 of the Treaty of Sept. 15, 1914. Asks that extension of time within which to complete the organization of Commission be agreed upon.	383
	Mr. Jusserand to Mr. Lansing	---do----	Same subject. Government of France agrees to the proposed extension of time.	383
1192	Mr. Lansing to Mr. Sharp (telegram).	---do----	Liability to French military service. Reply to the Embassy's No. 1089 Nov. 9. Instruction to present the Kirghis case to the Foreign Office.	390

GERMANY.

		1915.		
	Mr. Bryan to Mr. Gregory.	Mar. 17	Arrest of W. Müller, German Consul at Seattle, Wash. Requests investigation made regarding search of Consulate by police at Seattle.	404
	The German Embassy to the Department of State.	Mar. 18	Same subject. Charge of conspiracy made against Consul Mr. W. Müller and Mr. Schulz, secretary of consulate.	404
	Mr. Bernstorff to Mr. Lansing.	Mar. 28	Same subject. Facts re Müller being held under $1,000 bail and requests that matter be settled as soon as possible.	404
	Mr. Bryan to Mr. Lister (telegram).	Apr. 5	Same subject. Action taken in Müller case appears in contravention of articles 3 and 5 of the consular convention of 1871, and section 256 of the judiciary act approved Mar. 3, 1911.	405
	Mr. Lansing to Mr. Bernstorff.	---do----	Same subject. Full information re nature of charges against Consul Müller has been requested of Governor of Washington.	406
	Mr. Lister to Mr. Bryan.	Apr. 12	Same subject. Inclosures from Prosecuting Attorney regarding Müller case.	407
2724	Mr. Bernstorff to Mr. Bryan.	Apr. 16	Same subject. Protests against failure to take action in Müller's case.	408
	Mr. Bryan to Mr. Bernstorff.	Apr. 21	Same subject. Incloses statement by the Prosecuting Attorney of King County, Wash.	409
	Mr. Bernstorff to Mr. Bryan.	---do----	Same subject. Requests Müller's case discontinued. Is ready to transfer Müller to another post in the United States.	409
	Mr. Bryan to Mr. Lister (telegram).	Apr. 26	Same subject. Department deems it desirable that the case be dismissed.	409
	Mr. Bryan to Mr. Bernstorff.	Apr. 29	Same subject. Governor of Washington has been asked to dismiss charges against Müller, with the understanding that the latter be transferred to another post.	410
	Mr. Bernstorff to Mr. Bryan.	May 5	Same subject. Inquires if proceedings against Herr Müller have been discontinued.	410
	Same to same	May 12	Same subject. Consul Müller to be transferred to Atlanta, Ga.	411
	Mr. Lister to Mr. Bryan (telegram).	May 13	Same subject. Müller's case has been dismissed by prosecuting attorney.	411
	Mr. Bryan to Mr. Lister (telegram).	May 14	Same subject. German Consul to be transferred to another post.	411
1427	Mr. Bryan to Mr. Bernstorff.	May 17	Same subject. Provisional recognition has been accorded Wilhelm Müller as Acting Consul at Atlanta, Ga.	411
1428	Same to same	May 18	Same subject. Müller's case dismissed	412
	Mr. Bernstorff to Mr. Bryan.	May 21	Same subject. Gratified to learn that authorities of State of Washington acknowledged as unfounded the charge against Consul Müller.	412
1462	Mr. Lansing to Mr. Bernstorff.	June 17	Same subject. Authorities at Seattle did not ascertain that the charges against Müller were unfounded, but his case was dismissed at suggestion of this Department.	412

GREAT BRITAIN.

No.	From and to whom.	Date.	Subject.	Page.
		1914.		
	Mr. Curtis to Mr. Bryan (telegram).	Dec 28	Killing of Walter Smith and wounding of Charles Dorsch, American citizens, by soldiers of the Canadian Militia. Walter Smith killed and Charles Dorsch wounded, Americans. Shot by private of Canadian Militia, who ordered them to land while duck shooting.	414
	Mr. Bryan to Mr. Curtis (telegram).	---do-----	Same subject. Take charge of Smith's body. Give Dorsch every possible care. Get statements from Dorsch and private who did the shooting and report fully.	414
	Mr. Bryan to Mr. Spring Rice.	---do-----	Same subject. Quotes telegram from Vice Consul at Bridgeburg re shooting of Smith and Dorsch and requests British Government secure a report re same.	415
	Mr. Spring Rice to Mr. Bryan.	Dec. 29	Same subject. Canadian Government has been asked to send a report of the inquiry Smith and Dorsch case.	415
	Mr. Curtis to Mr. Bryan--	---do-----	Same subject. Facts re shooting of Smith and Dorsch by Canadian militiamen.	415
	Mr. Bryan to the President.	Dec. 30	Copyright on musical works. Submits draft of a proclamation extending to British subjects the protection of the Act of Mar. 4, 1909, to unpublished musical works for reproduction by mechanical musical contrivances. Recommends that it go into effect on the same date as a proposed Order in Council extending to citizens of the United States the same measure of protection of the British copyright laws.	423
	Mr. Curtis to Mr. Bryan--	Dec. 31	Killing of Walter Smith, etc. Detailed report of coronner's inquest on the death of Walter Smith, of Buffalo, N. Y.	416
		1915.		
	----------	Jan. 1	Copyright on musical works. Text of the proclamation recommended in Mr. Bryan's letter of Dec. 30, 1914.	425
869	Mr. Bryan to Mr. Page (telegram).	Jan. 2	Same subject. The proclamation has been issued effective Jan. 1, 1915, on the understanding that a British order in council will be issued as of same date.	427
6	Mr. Spring Rice to Mr. Bryan.	Jan. 4	Killing of Walter Smith, etc. Full reports have been requested of Canadian Government and Provincial Government of Ontario in case of Walter Smith. Expresses regrets.	417
10	Same to same----------	Jan. 6	Same subject. Considers suitable compensation should be made to the family of the deceased and to the person injured by the shooting.	417
	Mr. Bryan to Mr. Spring Rice.	Jan. 8	Same case. Department feels justified in urging a statement of the intentions of the Canadian Government in regard to the case of Smith and Dorsch.	418
12	Mr. Messersmith to Mr. Bryan.	Jan. 11	Same subject. Reports arrest of police officer, corporal and 2 privates on charge of manslaughter in connection with killing of Walter Smith and wounding of Chas. Dorsch.	419
14	Same to same----------	Jan. 20	Same subject. Reports release of arrested men on bail.	419
67	Mr. Spring Rice to Mr. Bryan.	Feb. 13	Same subject. Canadian Government gives mother of deceased man $10,000 and wounded man $5,000 as compensation for injuries and loss sustained.	420
899	Mr. Page to Mr. Bryan----	Feb. 15	Copyright on musical works. Transmits copy of the British order in council issued as of Jan. 1, 1915.	427
13	Mr. Goodier to Mr. Bryan.	Mar. 3	Killing of Walter Smith, etc. The grand jury found "No bill" against officer Thomas Delaney, and the Canadian soldiers Kayo, MacIntosh and Kinsman who were charged with manslaughter for causing the death of Walter Smith.	420
	Mr. Bryan to Mr. Spring Rice.	Mar. 4	Same subject. Department is gratified by steps taken by the British Government in Smith and Dorsch case.	421
	Mr. Lansing to Mr. Spring Rice.	June 11	Same subject. Calls attention to improper statement of the judge in instructing the jury which influenced the action of the jury in failing to indict the accused men.	422
1905	Mr. Page to Mr. Lansing--	July 29	Abrogation of the Treaty of June 3, 1892. Reports acceptance thereof by Great Britain.	11
	Mr. Spring Rice to Mr. Lansing.	Sept. 9	Killing of Walter Smith, etc. The Canadian authorities have come to the conclusion that there was nothing in the charge of the judge to the grand jury of a nature to influence the jury to find no bill	422
	Mr. Lansing to Mr. Spring Rice.	Nov. 3	Agreement extending time for appointment of commission under article 2 of the Treaty of Sept 15, 1914. Suggests extension to Jan. 1, 1916. Formal written acceptance of the suggestion will be sufficient to effect the extension.	413
	Mr. Spring Rice to Mr. Lansing.	---do-----	Same subject. Acceptance of the foregoing, effecting the extension.	413

GUATEMALA.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
160	Mr. Leavell to Mr. Bryan.	Mar. 9	Message of the President. Incloses copies, with translation of extract of interest to the Department.	430
	Mr. Lansing to Mr. Méndez.	Nov. 3	Appointment of Commission under article 2 of the Treaty of Sept. 20, 1913. Suggests extension of time within which to complete organization of Commission.	429
	Mr. Méndez to Mr. Lansing.	---do----	Same subject. Guatemala agrees to the extension of time for organization of Commission.	429

HAITI.

		1914.		
	Mr. Bryan to Mr. Blanchard (telegram).	Sept. 23	Controversy between the National Railroad Co. and the Government of Haiti. Department has been informed that the Haitian Government intends to foreclose the property of the above-named company, which in the opinion of this Government is directly contrary to the provisions of the railroad contract. Instructs to inform the Haitian Government that the United States will have to take such measure to safeguard the rights of this company as it may deem necessary.	538
	Mr. Blanchard to Mr. Bryan (telegram).	Sept. 25	Same subject. The Haitian Government seems to be determined to foreclose on Sept. 28, but in a spirit of conciliation will favorably receive a request from the railroad company for a stay of execution for 60 days.	538
	Same to same (telegram) ---	Sept. 28	Same subject. The Haitian Government today served notice of foreclosure to the National Railroad Co. of Haiti and gave notice of adjudication of the property on Dec. 28.	539
10	Same to same----------	Sept. 30	Same subject. Incloses a note from Minister of Foreign Affairs giving in detail the contentions of the Haitian Government.	539
	Mr. Bryan to Mr. Blanchard (telegram).	Oct. 2	Same subject. Instructs to request the Haitian Government that all proceedings against the company be held in abeyance until Dec. 28, during which time Department will endeavor to arrange matters between the company and the Haitian Government.	542
	Mr. Blanchard to Mr. Bryan (telegram).	Oct. 14	Same subject. The Foreign Office insists that diplomatic intervention in this case is inadmissible on account of agreement in the contract and because arbitration is provided for therein, but grants request for stay of proceedings through international courtesy.	543
12	Same to same----------	Oct. 16	Same subject. Incloses memorandum from the Foreign Office giving the views of the Haitian Government on the subject as indicated in telegram to the Department of Oct. 14, 1914.	543
	Mr. Lansing to Mr. Blanchard.	Nov. 7	Same subject. A copy of the note from the Foreign Office in Legation's No. 12, of Oct. 16, 1914 has been transmitted to Mr. H. L. Farnham of New York City for his information.	545
	Mr. Bryan to Mr. Blanchard (telegram).	Dec. 23	Same subject. Instructs to inform President Théodore that this Government hopes that foreclosure proceedings against the railroad company will be suspended until all questions pending between the company and the Haitian Government can be fully considered here.	545
		1915.		
	Mr. Wehrhane to Mr. Bryan.	Jan. 4	Financial affairs. Submits memorandum of suggestions from National Bank of Haiti regarding method of handling the situation between the Théodore Government in Haiti and the national bank.	496
	Mr. Blanchard to Mr. Bryan (telegram).	---do----	Same subject. Transmits telegram from the Minister of Finance to Mr. Wehrhane concerning the relations of the bank with the Haitian Government.	498
	Mr. Bryan to Mr. Blanchard (telegram).	---do----	Same subject. Permit no harm to be done to foreign employees of the Bank of Haiti. Inform Haitian Government.	498
26	Mr. Blanchard to Mr. Bryan.	---do----	Railroad controversy. Incloses correspondence with the Foreign Office in regard to the suspension of the foreclosure proceedings against the railroad company.	545
	Mr. Ménos to Mr. Bryan.	Jan. 11	Financial affairs. Statement of relationship of the Bank of Haiti with the Haitian Government.	499

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
28	Mr. Blanchard to Mr. Bryan.	Jan. 11	Same subject. Incloses correspondence with the Foreign Office concerning the relations existing between the Bank of Haiti and the Haitian Government.	500
	Same to same (telegram)	Jan. 12	Same subject. No threats made against Williams, but French Director Desrue. Minister for Foreign Affairs assures protection.	502
29	Same to same	Jan. 15	Same subject. Inclosures regarding interference by Haitian Government in the affairs of the National Bank of Haiti.	502
	Mr. Bryan to Mr. Blanchard (telegram).	Jan. 16	Political affairs. Cape Haitien is adhering to new revolution. The consular corps requests war vessel. The *Washington* ordered there.	461
	Mr. Sullivan to Mr. Bryan (telegram).	Jan. 18	Same subject. Receivership reports Dominicans supporting Haitian revolution. Dominican Government informed and speedy action to prevent this activity promised.	461
	Mr. Livingston to Mr. Bryan (telegram).	---do----	Same subject. Rebels under Metellus enter Cape Haitien. Vilbrun Guillaume accepted as candidate for presidency.	462
30	Mr. Blanchard to Mr. Bryan.	---do----	Railroad controversy. Incloses a note from the Foreign Office giving the attitude of the Haitian Government in the railroad controversy as indicated in Legation's telegram of Jan. 15, 1915.	546
	Same to same (telegram)	Jan. 20	Political affairs. Consul at Gonaives reports St. Michel, Ennery, and others have taken up arms against Government. Vilbrun Guillaume has proclaimed himself chief at Cape Haitien.	462
31	Same to same	Jan. 22	Railroad controversy. Incloses a note from the Foreign Office stating that the Haitian Government will extend the time limit to Feb. 20.	548
	Same to same (telegram)	Jan. 23	Financial affairs. Message for Wehrhane regarding demand of Justice of Peace to remove seal and transport funds to another banking house.	505
	Same to same (telegram)	Jan. 26	Political affairs. Reports blockade and closure of certain ports.	462
	Same to same (telegram)	---do----	Financial affairs. Immediate issue of 2,000,000 gourdes in Treasury notes authorized.	505
	Mr. Bryan to Mr. Blanchard (telegram).	---do----	Same subject. Advise the Haitian Government that this Government can not consent to the removal of funds belonging to the bank.	506
240	Mr. Livingston to Mr. Bryan.	Jan. 27	Political affairs. Revolution in northern Haiti nearing close with practically no fighting. Discusses causes of revolution. Revolutionists accept candidacy of General Vilbrun Guillaume Sam.	462
	Mr. Blanchard to Mr. Bryan (telegram).	Feb. 1	Financial affairs. Minister for Foreign Affairs stated that Haitian Government never intended using other than legal means to remove funds under seal at bank.	506
33	Same to same	Feb. 6	Same subject. Facts regarding removal of funds from bank. Minister of Foreign Affairs states that Haitian Government never had intentions of using forcible means to remove amounts under seal at the bank.	507
	Same to same (telegram)	Feb. 8	Political affairs. Haitian gunboat at Gonaives to enforce blockade.	463
	Mr. Wehrhane to Mr. Bryan.	Feb. 9	Financial affairs. Protests against the action of the Haitian Government in taking the Treasury service from the Bank of Haiti.	510
	Same to same	Feb. 10	Same subject. Advised that Haitian Government has ordered customs duties be paid over to various merchants designated by the Haitian officials, instead of the bank as heretofore under existing contract.	511
	Mr. Blanchard to Mr. Bryan (telegram).	Feb. 11	Same subject. At the request of the bank Legation protested to Haitian Government against removal of Treasury service from bank.	511
	Same to same (telegram)	Feb. 13	Same subject. Legation's protest rejected by Haitian Government. States French Minister only proper person to protect French firm.	512
	Mr. Bryan to Mr. Wehrhane.	---do----	Same subject. Advises him of action taken by the Department and the American Legation at Port au Prince.	512
38	Mr. Blanchard to Mr. Bryan.	Feb. 15	Same subject. Incloses correspondence with the Foreign Office concerning the protest of the Legation in regard to the actions taken against the bank by the Haitian Government.	512
	Same to same (telegram)	Feb. 19	Political affairs. Reports on progress of revolution in the vicinity of Port au Prince.	464

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Bryan to Mr. Blanchard (telegram).	Feb. 20	Same subject. A commission composed of Minister Blanchard, ex-Governor Fort, of New Jersey, and Mr. Charles Cogswell Smith, of New Hampshire, is to be sent to Haiti. Governor Fort will bring instructions. Cable information concerning legality of President Théodore's election and on four other points relating to the revolution.	464
	Mr. Jusserand to Mr. Bryan.	...do....	Financial affairs. Asks to be given assurances that the American Government does not intend to establish in Haiti a régime which will discriminate against French interests.	514
	Mr. Blanchard to Mr. Bryan (telegram).	Feb. 22	Political affairs. Port au Prince without food and no water. Surrounded by revolutionists. President Théodore has taken refuge on a Dutch vessel.	465
	Same to same (telegram)...	Feb. 24	Same subject. Reply to Department's Feb. 20. Preferable to delay sending commission until Government is established.	465
	Same to same (telegram)...	...do....	Same subject. Vilbrun Guillaume Sam recognized as Chief of Executive Power. Water and market supplies restored. Order maintained. President Théodore sailed for Curaçao.	465
	Same to same (telegram)...	Feb. 25	Same subject. Vilbrun Guillaume Sam has entered Port au Prince. Presidential salutes fired. Order maintained.	466
	Same to same (telegram)...	Feb. 27	Same subject. Further reply to Department's telegram of Feb. 20.	466
	Mr. Bryan to Mr. Blanchard (telegram).	...do....	Same subject. President considers it wise for Commission to come to Haiti at once. You will be member of Commission and act with others. Arrange for Consul Livingston to be at Port au Prince when Governor Fort arrives.	466
	Mr. Blanchard to Mr. Bryan (telegram).	Mar. 1	Same subject. Reply to the foregoing; has arranged with Admiral Caperton for *Wheeling* to bring Consul Livingston to Port au Prince. Advise Livingston to be ready, as we have no means of communication.	467
	Mr. Bryan to Mr. Livingston (telegram).	...do....	Same subject. Be ready for U. S. S. *Wheeling* to take you Port au Prince Wednesday.	467
	Mr. Blanchard to Mr. Bryan (telegram).	Mar. 3	Same subject. Refers to his Feb. 27. Senate awaiting arrival of members in order to make a majority for electoral college.	467
	Same to same (telegram)...	Mar. 4	Same subject. Vilbrun Guillaume Sam regularly and constitutionally elected President of Haiti.	467
	Same to same (telegram)...	Mar. 5	Same subject. Consul Livingston arrived Port au Prince yesterday and Governor Fort and Mr. Smith this morning.	468
	Same to same (telegram)...	Mar. 9	Same subject. Introduced Commission to Acting Minister for Foreign Affairs. Attended inauguration ceremonies with members of Commission and staff of Legation. Minister Foreign Affairs arranging audience with President tomorrow to receive Commission.	468
	Mr. Fort to Mr. Bryan (telegram).	...do....	Same subject. The Commission attended inauguration Vilbrun Guillaume Sam. Have official interview tomorrow. Commission protests against being left without a ship in harbor.	468
	Same to same (telegram)...	Mar. 12	Same subject. The Commission should return at once, as it has possession of all facts.	468
	Mr. Blandhard to Mr. Bryan (telegram).	Mar. 15	Same subject. The Commission has left on *Nashville* for Santiago de Cuba.	468
	Same to same (telegram)...	Mar. 16	Same subject. Ex-President Zamor landed in Dominican Republic, crossed frontier, was arrested and brought to Port au Prince. Other arrests of Zamor supporters. Disbanding of army taking place, cable repaired and order prevails.	468
	Same to same (telegram)...	Mar. 25	Same subject. Guillaume's Government recognized by Germany and Italy. French Minister has recommended recognition. Under modified conditions seems advisable to recognize present Haitian Government.	469
	Same to same (telegram)...	...do....	Same subject. France has recognized Guillaume Government.	469
	Mr. Sullivan to Mr. Bryan (telegram).	Mar. 28	Same subject. Bobo, ex-Minister of Interior of Haiti, has issued revolutionary call to Haitians. Makes attack on proposed American control of customs and is secretly supported by Arias. The Dominican President, Jiménez, has commanded Bobo to leave Monte Christi at once.	469
	Mr. Bryan to Mr. Sullivan (telegram).	Apr. 1	Same subject. Support the President to prevent use of Dominican territory for hostilities against Haiti.	470

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Sullivan to Mr. Bryan (telegram).	Apr. 10	Same subject. Dominican Government has arrested and will deport Bobo.	470
	Mr. Livingston to Mr. Bryan (telegram).	Apr. 25	Same subject. Government troops have revolted at Fort Liberté.	470
	Same to same (telegram)	do	Same subject. Bobo revolutionists entered Cape Haitien to-day without opposition.	470
	Mr. Davis to Mr. Bryan (telegram).	Apr. 29	Same subject. Cape Haitien Consul reports rebels broke open and pillaged safe at customhouse. Gunboat *Pacifique* carrying ammunition and soldiers to Gonaives.	470
	Same to same (telegram)	May 5	Same subject. Decree of April 29 declares blockade against Fort Liberté. Not effective.	471
	Same to same (telegram)	May 6	Same subject. Bobo with cavalry escort entered Cape Haitien.	471
	Same to same (telegram)	May 14	Same subject. Government forces defeated near Cape Haitien. It is reported ammunition is supplied revolutionists by Dominicans. New paper currency in circulation.	471
	Mr. Bryan to Mr. Sullivan (telegram).	May 17	Same subject. It is reported ammunition is being supplied revolutionary forces in Haiti by Dominicans. Bring matter to Government's attention and request action be taken to prevent deliveries.	471
	Mr. Sullivan to Mr. Bryan (telegram).	May 18	Same subject. Refers to the foregoing. Dominican Government assures me and Haitian Minister that orders are given to prevent deliveries of ammunition to Haitian revolutionists. General receiver of customs has ordered revenue cutter to Monte Christi.	472
	Mr. Livingston to Mr. Lansing (telegram).	June 10	Same subject. Fighting renewed at Cape Haitien. French Consulate threatened.	472
	Same to same (telegram)	June 19	Same subject. Government troops captured forts protecting Cape Haitien and routed rebels. French cruiser *Descartes* entered port and sailors now patrolling town.	472
	Mr. Davis to Mr. Lansing (telegram).	June 20	Same subject and purport	472
	Mr. Livingston to Mr. Lansing (telegram).	June 21	Same subject and purport	472
3	Mr. Davis to Mr. Lansing	June 23	Same subject. Elaborates his telegram of June 20	473
	Admiral Caperton to Mr. Daniels (telegram).	July 3	Political affairs. Cape Haitien quiet. Revolutionists within 3 miles. Gen. Probus Blot informed fighting can not be permitted within Cape Haitien on account of the protection of lives and property of foreigners. Bobo will be so informed. Gen. Probus Blot assures fighting will not take place in town. Of this action I informed commanding officer of *Descartes;* also prepared for the protection of interests of foreign citizens. Considered undesirable that *Descartes* remain longer in Haitian waters.	474
	Mr. Davis to Mr. Lansing (telegram).	July 27	Same subject. Forcible entry attempted on French Legation for purpose of taking President. French Minister and British Chargé have telegraphed for ships. Situation grave and presence of war vessels necessary.	474
	Same to same (telegram)	do	Same subject. The President escaped from palace and has taken refuge in French Legation.	474
	Same to same (telegram)	do	Same subject. Commandant of arrondissement of the Guillaume Government murdered 70 prisoners before giving up prison and was himself killed. President is in French Legation. Situation communicated to Admiral Caperton.	474
	Same to same (telegram)	do	Same subject. Forcible entry of French Embassy attempted for purpose of taking out President. French and British representatives have cabled for ships. Presence of war vessels necessary as soon as possible.	475
	Same to same (telegram)	July 28	Same subject. French Legation invaded, President taken out, killed and dismembered. U. S. S. *Washington* entering harbor.	475
	Mr. Lansing to Mr. Daniels.	do	Same subject. Requests that Admiral Caperton be instructed to land marines from the *Washington* and to request captains of British and French warships not to land their marines, as American forces are ready and will protect foreign interests in Port au Prince.	475
	Mr. Benson to Admiral Caperton (telegram).	do	Same subject. Instructs to land marines for the protection of American and foreign interests and that British and French representatives be informed thereof. Additional forces ordered to Haiti from Cuba.	475

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page
		1915.		
	Mr. Lansing to Mr. Davis (telegram).	July 28	Same subject. Informs him of the foregoing orders to Admiral Caperton; instruction to cooperate.	476
	Mr. Davis to Mr. Lansing (telegram).	July 29	Same subject. Marines and sailors were landed yesterday. Committee of safety agreed to disarm all Haitian soldiers.	476
	Same to same (telegram)	July 30	Same subject. Two bluejackets killed. Urgently need regiment of marines for patrol of city. Disarmament slowly continues.	476
	Same to same (telegram)	July 31	Same subject. Disarmament continues. Situation critical but well handled by forces. Revolutionary committee acting under Admiral's direction. Existence of armed troops in the North demands sufficient troops here to control situation in an emergency.	477
	Same to same (telegram)	Aug. 1	Same subject. Department's July 28 complied with; French Minister made no objection. Later he received instructions to have French guard placed at Legation to enforce respect for French flag. Conferred with Admiral and made arrangements for change of guard tomorrow.	477
	Admiral Caperton to Mr. Daniels (telegram).	Aug. 2	Same subject. Reports existence of bands of Cacos, professional soldiers who terrorize the people and Congress. To stabilize conditions in Haiti the power of the Cacos must be broken and the bands must be dispersed. Another regiment of marines needed.	477
	Mr. Davis to Mr. Lansing (telegram).	Aug. 5	Same subject. Admiral has put Colonel Cole in charge of military control and Captain Beach in charge of civilian matters. Fort National occupied today. City quiet. *Connecticut* left for Cape Haitien.	478
	Admiral Caperton to Mr. Daniels.	Aug. 7	Treaty negotiations. Haiti will accede gladly to any terms proposed by the United States. Will grant right to intervene when necessary, customhouse control and other terms. Wish to avoid humiliation.	431
	Same to same (telegram)	---do-----	Political affairs. General Bobo resigned as Chief Executive and dismissed his Cabinet Ministers. His generals in North ordered to deposit arms with American forces. Election of President is desired by Haitiens. Congress will probably elect Dartiguenave. Congressmen agreed Haiti will accede to terms proposed by United States. Will cede outright Mole St. Nicholas also granting right customhouse control. Haitians fear Americans will withdraw troops. It is desirable to reestablish government immediately.	478
	Mr. Casenave to Mr. Lansing.	---do-----	Financial affairs. Requests requisite orders issued to turn over to the bank all moneys collected on customs receipts, in accordance with the contracts and conventions.	515
	Mr. Benson to Mr. Lansing.	Aug. 9	Political affairs. Admiral Caperton has force 1,100 men on shore and 850 marines will be sent soon. He has been instructed to control Port au Prince and surrounding country.	479
	Mr. Lansing to Mr. Davis (telegram).	Aug. 10	Same subject. Confer with Caperton; he may allow election of a President whenever Haitians wish. Make clear to Congress our Government intends to uphold it, but must establish in charge only those who wish to put end to factional disorders. Candidates should understand United States expects to control customs and financial affairs of Haiti necessary for efficient administration. The United States means to help establish and maintain constitutional government there.	479
	Same to same (telegram)	Aug. 12	Treaty negotiations. Transmits alterations and additions to be made in the draft treaty submitted July 2, 1914, and instructs to submit the amended draft informally to the President-elect; to request that the Congress authorize the President-elect to conclude this treaty unmodified; to recognize the President when officially notified of said authorization; and simultaneously to conclude with him a treaty in strict accordance with the draft.	431
	Mr. Davis to Mr. Lansing (telegram).	---do-----	Political affairs. Instruction of Aug. 10 complied with. Dartiguenave elected President to-day under protection of marines. No outbreak. President expressed gratitude for protection.	480
250	Mr. Livingston to Mr. Lansing.	---do-----	Same subject. Reports on conditions in vicinity of Cape Haitien and incloses copy of proclamation by Admiral Caperton explaining attitude of United States toward Haiti.	480

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Lansing to Mr. Casenave.	Aug. 12	Financial affairs. American Chargé d'Affaires at Port au Prince reports that the bank was instructed to collect customs revenues in Port au Prince, the branch office having already performed that function in Cape Haitien.	517
	Mr. Lansing to Mr. Davis (telegram).	---do----	Same subject. Consult Admiral Caperton and secure cases of gourdes on arrival, place same under Legation's seal until instructed regarding their release.	517
	Mr. Davis to Mr. Lansing (telegram).	Aug. 13	Political affairs. President Dartiguenave will name cabinet to-day. Suggests that negotiations be opened soon to carry out stipulations contained in Department's telegram of August 10, 1915.	482
	Mr. Lansing to Mr Davis (telegram).	Aug. 14	Treaty negotiations. Transmits full powers to negotiate treaty.	433
	Same to same (telegram)	Aug. 18	Same subject. Refers to Department's Aug. 10 and 14. Department expects that the draft treaty submitted will be ratified promptly. Confer with Admiral Caperton for the purpose of conducting such public works under his direction as will relieve need for employment. The Admiral will be directed to take charge of certain customhouses.	434
	Mr. Davis to Mr. Lansing (telegram).	---do----	Same subject. Refers to the foregoing. Draft of treaty was placed before the President Aug. 17; he gave assurance action would be taken at once.	435
	Mr. Lansing to Mr. Daniels	---do----	Financial affairs. Requests that Admiral Caperton be directed to assume charge of certain customhouses.	518
	Mr. Lansing to Mr. Johnson (telegram).	---do----	Political affairs. Urge immediate measures on part of Dominican Government to prevent movement of arms into Haiti.	482
36	Mr. Lansing to Mr. Davis	Aug. 19	Treaty negotiations. Incloses the President's autograph full power to sign treaty.	435
	Mr. Johnson to Mr. Lansing (telegram).	---do----	Political affairs. The President and Minister of Foreign Affairs promised order will be sent to frontier governors urging renewed vigilance.	482
	Mr. Daniels to Admiral Caperton (telegram).	---do----	Financial affairs. List of customhouses to assume charge of funds collected to be used for organizing and maintaining efficient constabulary.	518
	Mr. Lansing to Mr. Davis (telegram).	Aug. 22	Treaty negotiations. States motives and purposes of this Government in regard to Haiti. The treaty should be ratified promptly, and the Haitian Government should invite this Government to enter into a *modus vivendi* in order to make the treaty effective immediately. This Government will then assist Haiti to place its finances on a sound basis and to carry on public works for the benefit of its people.	435
	Mr. Davis to Mr. Lansing (telegram).	Aug. 23	Same subject. A note from the Foreign Office states that they are ready to begin pourparlers, and that the Government will suggest to the Legislature to pass a resolution expressing a desire that the President conclude the treaty. This attitude results from the expression "without modification," used in Department's instruction of Aug. 12.	436
	Same to same (telegram)	---do----	Financial affairs. Arrival of Dutch boat without shipment of gourdes. Representative of bank note company displays cable from New York stating that no more shipping until advised by him.	519
	Mr. Lansing to Mr. Davis (telegram).	Aug. 24	Treaty negotiations. If de facto authorities do not ratify treaty, this Government will be compelled either to establish a military Government or permit present control of Government to pass to the political faction representing best elements of Haiti in order to reestablish stable government.	437
	Admiral Benson to Mr. Lansing.	---do----	Financial affairs. Report inclosed relative to conditions in Haitian waters from August 7 to 12, inclusive.	519
	Mr. Davis to Mr. Lansing (telegram).	Aug. 25	Treaty negotiations. The President desires to propose certain changes in the draft. Political enemies of the Government are attempting to stir up animosity on the basis of the attitude of the United States.	438
	Admiral Caperton to Mr. Daniels (telegram).	Aug. 26	Political affairs. Have assumed charge customhouse and port service Port de Paix. Ex-Government troops willing to disarm and return to homes, but can not get to our lines on account Cacos.	483
	Mr. Davis to Mr. Lansing (telegram).	Aug. 28	Treaty negotiations. Minister for Foreign Affairs submitted written reply of Haitian Government in regard to treaty. Practically every stipulation of original treaty is either omitted or so changed as to defeat its purpose. In my reply I declined to discuss matters, but requested an opinion as to acceptability of the original draft.	439

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Johnson to Mr. Lansing (telegram).	Aug. 28	Political affairs. Bobo on Cuban vessel guarded by Dominican Government which desires to compel him to proceed to Santiago de Cuba. Instructions requested.	483
	Mr. Lansing to Mr. Johnson (telegram).	---do-----	Same subject. Reply to the foregoing. No objection to Bobo being landed at Santiago de Cuba.	483
	Mr. Davis to Mr. Lansing (telegram).	Aug. 30	Treaty negotiations. The President has agreed to sign the treaty, but insists upon certain stated modifications. Mr. Davis has not delivered instruction of Aug. 28 for fear of precipitating military measures.	439
	Mr. Lansing to Mr. Davis (telegram).	Sept. 1	Same subject. Reply to the foregoing. With the exception of the phrasing of Article XIII, the Department must insist that the treaty stand substantially as submitted. States reasons. Approves his withholding of the instruction of Aug. 28.	440
	Mr. Gonzales to Mr. Lansing (telegram).	---do-----	Political affairs. Bobo debarked at Santiago de Cuba after being refused admission at Santo Domingo. Closely watched by Cuban Government.	483
	Admiral Caperton to Mr. Daniels (telegram).	---do----	Financial affairs. Will occupy and begin administration customhouse at Port au Prince Sept. 2, unless otherwise directed.	520
	Same to same (telegram)---	Sept. 2	Political affairs. He will proclaim martial law at Port au Prince September 3, to quell agitation there.	484
	Mr. Lansing to Mr. Blanchard (telegram).	---do-----	Railroad controversy. Admiral Caperton suggests that the Department use its good offices to induce the National Railroad to resume work at once. If the Admiral considers it to be urgent the Department will endeavor to arrange with bankers for an advance sufficient to employ the hungry and indigent citizens.	549
	Admiral Caperton to Mr. Daniels (telegram).	Sept. 3	Political affairs. Transmits proclamation of martial law issued at Port au Prince.	484
	Mr. Davis to Mr. Lansing (telegram).	Sept. 4	Treaty negotiations. If certain cabinet members resign, vacancies will be filled by those in sympathy with United States. Does Department still desire resolution by Congress authorizing the President to sign the treaty. Declaration of martial law has greatly strengthened position of the Government and will facilitate ratification of treaty.	442
	Mr. Ménos to Mr. Lansing-	---do-----	Political affairs. Protests against arbitrary action of the American forces in Haiti in taking possession of customhouse and government of Port au Prince.	485
	Mr. Lansing to Mr. Davis (telegram).	Sept. 5	Treaty negotiations. If satisfied treaty will be ratified without amendments, on 12th inst., not necessary to insist on previous resolution. Department looks for immediate favorable action by the Chambers.	442
	Mr. Daniels to Admiral Caperton (telegram).	---do-----	Political affairs. Instructs not to take offensive action against Haitians unless to save life or property, then inform Department immediately.	486
	Mr. Ménos to Mr. Lansing-	Sept. 6	Same subject. Desires explanations of Admiral Caperton's proclamation of martial law and taking possession of customhouses.	486
	Mr. Davis to Mr. Lansing (telegram).	Sept. 7	Treaty negotiations. Conference with President and Cabinet demanding answer to treaty. President requested and accepted resignations of Minister for Foreign Affairs and Minister of Public Works, which removes cause of previous delays. Cabinet agrees to accept treaty substantially as submitted. President realizes necessity for action without delay.	442
	Admiral Caperton to Mr. Daniels (telegram).	---do-----	Political affairs. Cacos investing Cape Haitien and preventing foodstuffs from entering. May have to consider offensive operations against them.	486
	Mr. Davis to Mr. Lansing (telegram).	Sept. 10	Treaty negotiations. Transmits modifications of treaty proposed by Haitian Government. Minister for Foreign Affairs states that no ratification for the treaty can be secured unless modified as stated.	443
	Mr. Lansing to Mr. Ménos-	---do-----	Political affairs. Reply to his Sept. 4 and 6. The interests of Haiti will be best served by restricting pending negotiations to Port au Prince.	487
	Mr. Lansing to Mr. Davis (telegram).	---do----	Same subject. Reviews interviews had with the Haitian Minister at Washington regarding the United States taking possession of customhouses and declaring martial law in Haiti, and that the Minister was informed that negotiations should be carried on at Port au Prince only.	487

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Lansing to Mr. Johnson (telegram).	Sept. 10	Same subject. Request President Jiménes to enforce strict neutrality of Dominican Republic and to issue decree placing embargo on export of arms and munitions to Haiti.	488
	Mr. Lansing to Mr. Davis (telegram).	Sept. 11	Treaty negotiations. Instructs to obtain from President Dartiguenave an understanding that the English text of the treaty shall prevail.	445
	Admiral Benson to Mr. Lansing.	---do----	Political affairs. Submits copy of a report from Admiral Caperton, relating to conditions in Haitian waters, Aug. 13 to 19, inclusive.	488
	Mr. Lansing to Mr. Davis (telegram).	Sept. 12	Treaty negotiations. Reply to his Sept. 10. Accepts modifications of treaty proposed by Haitian Government, with certain changes.	445
	Mr. Davis to Mr. Lansing (telegram).	Sept. 14	Same subject. Minister for Foreign Affairs states Government ready to sign treaty, enter into modus vivendi, and then submit treaty for ratification. This is preferable mode of procedure. Minister of Finance stated necessity of funds for meeting Government expenses until details of treaty are arranged and income realized under its operation. Statement is desired that United States will aid Haitian Government to secure loan.	446
	Mr. Johnson to Mr. Lansing (telegram).	---do----	Political affairs. Reply to Department's Sept. 10. The Dominican Government has issued a decree prohibiting exportation of arms and ammunition to Haiti.	490
	Mr. Lansing to Mr. Davis (telegram).	Sept. 15	Treaty negotiations. Reply to his Sept. 14. Instruction to conclude treaty without requiring resolution authorizing President to enter into modus vivendi, provided modus vivendi is signed at same time treaty is ratified. Then this Government will assist in securing loan. A commission with full powers to negotiate this loan should be sent to Washington. Upon ratification of treaty, will take steps to obtain an advance of $100,000 for Haitian Government.	447
	Mr. Davis to Mr. Lansing (telegram).	---do----	Financial affairs. The German Legation at Port au Prince has protested to the Haitian Government against the American management of Haitian customs.	520
	Mr. Lansing to Mr. Davis (telegram).	---do----	Same subject. The Haitian Government should inform the German Legation that German interests will be given the same treatment as other foreign interests.	520
	Mr. Davis to Mr. Lansing (telegram).	Sept. 17	Treaty negotiations. Formally recognized Government and signed treaty. Ratification expected next week.	448
	Mr. Polk to Mr. Davis (telegram).	---do----	Same subject. The Department is gratified with his Sept. 17, and hopes there will be no delay in ratification.	448
	Mr. Davis to Mr. Lansing (telegram).	---do----	Political affairs. Reports having recognized the Government and signed the treaty on 16th instant. Extra session of Congress will be called to-morrow to allow ratification of treaty.	490
46	Same to same----------	Sept. 21	Treaty negotiations. Forwards original of the treaty signed Sept. 16.	448
	Same to same (telegram)---	---do----	Financial affairs. Requests instruction re arrival of 500,000 gourdes.	520
	Admiral Caperton to Mr. Daniels (telegram).	Sept. 22	Political affairs. Colonel Waller has reported encounters with Cacos. Several killed. No casualties to American forces.	491
	Same to same (telegram)---	---do----	Same subject. Major Butler reports attacks on his command by Cacos. Railroad being repaired.	491
	Mr. Polk to Mr. Davis (telegram).	---do----	Financial affairs. Department believes that further issue of paper money would be unwise. Consult Admiral Caperton re holding the cases of gourdes for the time being.	521
	Mr. Daniels to Mr. Lansing.	Sept. 23	Same subject. Encloses letter of instructions issued to the customs and civil administration in Haiti by Admiral Caperton.	521
	Mr. Polk to Mr. Davis (telegram).	Sept. 24	Treaty negotiations. Instructs to report status of treaty.	451
	Mr. Davis to Mr. Lansing (telegram).	Sept. 25	Same subject. Reply to the foregoing. The House will give a large majority for treaty. If the Senate should refuse to ratify, the President may dissolve Congress, call a constitutional convention, and enter into a modus vivendi. Requests instructions.	452
	Admiral Caperton to Mr. Daniels (telegram).	Sept. 26	Political affairs. Reports further encounters with Cacos.	491
	Mr. Davis to Mr. Lansing (telegram).	---do----	Financial affairs. Customhouse is holding 500,000 gourdes. States reasons why this amount should be released to the Haitian Government.	523

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Admiral Caperton to Mr. Daniels (telegram).	Sept. 26	Same subject. Submits plan for the release to the Haitian Government of the 500,000 gourdes held by customhouse.	523
	Mr. Polk to Mr. Davis (telegram).	Sept. 27	Treaty negotiations. Reply to his Sept. 25. The Department would regret dissolution of the present Congress; urge ratification at once; cooperate with Admiral Caperton.	452
	Same to same (telegram)	do	Financial affairs. Gourdes will be available to Haitian Government provided satisfactory arrangement with the bank and prompt ratification of the treaty is made.	524
	Mr. Johnson to Mr. Lansing (telegram).	Sept. 29	Political affairs. Dominican Government promised to instruct officials to lend cooperation and support to frontier guard and arrest suspicious Dominicans and Haitians	492
	Mr. Davis to Mr. Lansing (telegram).	do	Financial affairs. If Department still considers that gourdes now held should not be issued, some arrangements should be made to provide the Government with funds pending ratification of treaty.	524
	Admiral Caperton to Mr. Daniels (telegram).	do	Same subject. If gourdes are withheld from Haitian Government, can funds be furnished from available customs receipts?	525
	Mr. Polk to Mr. Davis (telegram).	Oct. 2	Same subject. Department is constrained to believe that further issue of unredeemable paper money will make more difficult efforts to place Haitian finances on a firm basis.	525
	Mr. Davis to Mr. Lansing (telegram).	Oct. 6	Treaty negotiations. Ratification voted 75 to 6 by Chamber of Deputies.	453
	Same to same (telegram)	Oct. 12	Same subject. Senate committee report expected this week.	453
	Same to same (telegram)	Oct. 14	Same subject. Senate committee has expressed desire to reopen treaty negotiations. Minister for Foreign Affairs informed by Mr. Davis that it is impossible and that the United States expects ratification in the next few days.	453
	Mr. Lansing to Mr. Davis (telegram).	Oct. 15	Same subject. Action reported Oct. 14 approved	453
	Mr. Davis to Mr. Lansing (telegram).	Oct. 22	Same subject. President of Senate gave assurances committee would submit report on Oct. 26.	453
	Same to same	Oct. 25	Same subject. Encloses correspondence with Foreign Office concerning interpretation of certain articles of treaty.	454
	Same to same (telegram)	Oct. 26	Same subject. Have assurance Haitian Government will enter into modus vivendi after ratification. Requests permission to return to United States. Lieutenant Oberlin is conversant with all negotiations.	456
	Admiral Caperton to Mr. Daniels (telegram).	Oct. 30	Political affairs. Bahon and St. Suzanne disturbed. Cacos treated as bandits and Colonel Waller directed to take active measures to suppress them.	492
	Mr. Lansing to Mr. Daniels.	do	Financial affairs. Requests that Admiral Caperton be asked whether any funds can be paid to the bank for the service of foreign loans.	526
	Mr. Lansing to Lieutenant Oberlin (telegram).	Nov. 4	Treaty negotiations. Instructs to interview President Dartiguenave if ratification not concluded this week, and cable explanations.	456
	Lieut. Oberlin to Mr. Lansing (telegram).	Nov. 5	Same subject. Senate committee report recommends modifications concerning financial adviser. The Haitian Government desires that the Legation address a letter to it stating that the Government of the United States can consider no further modifications of the treaty.	456
	Mr. Lansing to Lieut. Oberlin (telegram).	do	Same subject. Department is informed lobbyists seek to defeat ratification of treaty, hoping to produce political situation in this country which will necessitate withdrawal of American marines from Haiti. Department suggests President Dartiguenave call his Senators and question each regarding connection with such a plan. Press ratification.	457
	Mr. Lansing to Mr. Daniels	do	Financial affairs. Requests that a naval pay officer be directed to take $124,000 to Haiti on the *Vulcan* from the representatives of the National Bank of Haiti at New York.	526
	Mr. Lansing to Lieut. Oberlin (telegram).	Nov. 8	Treaty negotiations. The time has come to press vote by Senate. Department suggests Haitian Government transmit to Legation copy of Senate report and inquire if this Government would entertain modifications; and that Legation reply this Government believes interests of Haiti best served by ratification of treaty as signed.	457

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Daniels to Admiral Caperton (telegram).	Nov. 10	Same subject. Instructs to state to President Dartiguenave and the Cabinet his gratification over public sentiment in favor of the treaty and to advise them that, if treaty fails of ratification, it is the intention of the Government of the United States to retain control of Haiti and at once proceed with the pacification of Haiti. In the meanwhile the present Government will be supported in its efforts to establish lasting peace.	458
	Mr. Blanchard to Mr. Lansing (telegram).	Nov. 12	Same subject. The Senate has ratified the treaty. The Government will submit a modus vivendi for signature soon.	458
	Mr. Lansing to Mr. Blanchard (telegram).	---do-----	Same subject. Refers to telegrams Sept. 14 and Oct. 26. Instruction to accept invitation to enter into a modus vivendi at once.	458
	Same to same (telegram)	---do-----	Financial affairs. Recommends early arrival at Washington of commission to decide upon some plan for comprehensive readjustment and rehabilitation of Haitian finances.	527
	Mr. Lansing to Mr. McAdoo.	Nov. 13	Same subject. Requests prominent official designated to be consulted re financial situation of Haitian Republic before arrival of commission.	527
	Admiral Caperton to Mr. Daniels.	Nov. 15	Treaty negotiations. Encloses copy of a proclamation by the President to the Haitian people relative to the ratification of the treaty.	459
	Mr. Casenave to Mr. Long	Nov. 18	Financial affairs. It seems necessary to authorize Admiral Caperton to let the Bank remit the proceeds of the revenues pledged to foreign loans.	528
	Mr. Lansing to Mr. Daniels	---do-----	Same subject. Requests that Admiral Caperton be instructed to apply surplus of funds collected to the payment of pledges heretofore given by the Haitian Government.	528
	Mr. Daniels to Mr. Lansing	Nov. 19	Same subject. Instructions have been sent to Admiral Caperton regarding expenditure of remainder of revenues in his possession.	529
	Admiral Caperton to Mr. Daniels (telegram).	---do-----	Same subject. Reports payments to Electric Light Co. and P. S. C. Railroad. Recommends that loan of $1,500,000 be made available immediately.	529
	Mr. Daniels to Admiral Caperton (telegram).	Nov. 20	Political affairs. Navy Department strongly impressed with number of Haitians killed. Maintain proper patrol to preserve order and protect innocent persons without offensive operations. If measures inadequate, inform Department before taking steps leading to loss of life.	493
	Admiral Caperton to Mr. Daniels (telegram).	Nov. 22	Same subject. Protective patrolling only continues. Directions given to avoid loss of life if possible.	493
	Mr. Lansing to Mr. Blanchard (telegram).	Nov. 23	Financial affairs. Admiral Caperton should pay to the railroad such amounts due it as may be available.	530
	Mr. Polk to Mr. Blanchard (telegram).	Nov. 27	Same subject. Department informed by Central Railroad that Haitian Government has requested Admiral Caperton to pay $48,000 needed for coupon payments on bonds due December 1.	530
	Mr. Blanchard to Mr. Lansing (telegram).	Nov. 29	Treaty negotiations. The modus vivendi was signed this day. Text.	460
	Admiral Caperton to Mr. Daniels (telegram).	---do-----	Financial affairs. Recommends certain nominations by the President of United States; same will be acceptable to Haitian Government.	531
	Mr. Blanchard to Mr. Lansing (telegram).	---do-----	Same subject. Recommends that $100,000 out of funds in hand be paid to Haitian Government.	531
	Same to same (telegram)	---do-----	Same subject. Recommendations made by Admiral Caperton re appointment of certain officers approved.	531
	Mr. Lansing to Mr. Blanchard (telegram).	Nov. 30	Treaty negotiations. Department gratified with information in his Nov. 29.	460
	Admiral Caperton to Mr. Daniels (telegram).	---do-----	Political affairs. French Government has officially recognized Dartiguenave Government. British Chargé has instructions to do so.	493
	Mr. Blanchard to Mr. Lansing (telegram).	---do-----	Financial affairs. Commission appointed. Expects to leave this week.	531
	Mr. Daniels to Mr. Lansing.	---do-----	Same subject. Requests to be informed of action taken on recommendations of Admiral Caperton concerning certain nominations under the modus vivendi.	532
	Mr. Lansing to Mr. Daniels.	Dec. 2	Same subject. Department approves of the nomination and understands that they will be agreeable to Haitian Government.	532
	Mr. Lansing to Mr. Blanchard (telegram).	---do-----	Same subject. Department believes that negotiation of temporary loan for $1,500,000 should await arrival of Haitian commission.	532

HAITI—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
51	Mr. Blanchard to Mr. Lansing.	Dec. 6	Treaty negotiations. Refers to his Nov. 29 and incloses original of the modus vivendi.	460
	Admiral Benson to Mr. Lansing.	Dec. 8	Political affairs. Submits copy of letter from Admiral Caperton relative to operations of Cruiser Squadron in Haitian waters Nov. 7 to 19, inclusive.	493
	Mr. Blanchard to Mr. Lansing (telegram)	Dec. 11	Financial affairs. Recommends that an advance of $500,000 be made available for the payment of salaries and debts of honor.	533
	Same to same (telegram)	do	Same subject. Reports regarding powers of the Commission to establish Haitian finances on a firm basis.	533
	Mr. Lansing to Mr. Blanchard (telegram).	Dec. 16	Same subject. Inform Department exact purposes for which the $500,000 will be used. Telegraph statement showing items and amounts.	533
	Same to same (telegram)	Dec. 17	Same subject. Representatives of National Bank of Haiti refused advance of $500,000 unless the bank was reinstated in its contract which was refused by the Haitian commission.	533
	Mr. Blanchard to Mr. Lansing (telegram).	Dec. 18	Same subject. Submits statement showing items and amounts requiring $500,000 to enable Haitian Government to pay indebtedness.	534
	Mr. Casenave to Mr. Lansing.	Dec. 28	Same subject. Submits correspondence with the Minister of Finance concerning complaints of payments made by the Bank in American banknotes instead of gold.	534
	Mr. Daniels to Mr. Lansing.	Dec. 29	Political affairs. Submits report from Commander Cruiser Squadron operating in Haitian waters Nov. 20 to Dec. 16, 1915.	495
	Mr. Lansing to Mr. Blanchard (telegram).	do	Financial affairs. Department can not consent to an advance of $500,000. Cable what amount is absolutely necessary to pay salaries of employees.	536
	Mr. Blanchard to Mr. Lansing (telegram).	Dec. 30	Same subject. Haitian Government states that $50,000 is needed to avoid crisis by covering most pressing demands for November in provinces and December in Port au Prince.	537
	Mr. Lansing to Mr. Blanchard (telegram).	Dec. 31	Same subject. Admiral Caperton will be authorized to pay salaries of employees. After Jan. 1, 1916, the Admiral will have complete control of disbursements for maintenance of Haitian Government.	537

HONDURAS.

		1915.		
	Mr. Ewing to Mr. Bryan	Jan. 7	Message of the President to Congress. Encloses copy. Extract.	550

ITALY.

		1915.		
234	Mr. Page to Mr. Bryan	Jan. 11	Liability to Italian military service of native or naturalized American citizens of Italian parentage. Refers to correspondence in 1914 regarding Rev. Dominic Cassetta; incloses Foreign Office note of Jan. 7 concerning him, and also discussing the general question of naturalized American citizens of Italian origin in relation to Italian military service.	554
		Mar. 24	Treaty for the advancement of general peace, concluded between the United States and Italy. Proclamation.	551
127	Mr. Bryan to Mr. Page	do	Naturalization treaty. Refers to Embassy's Nos. 177 and 221 of Nov. 3 and Dec. 14, 1914, and instructs him to report when it is opportune to reopen negotiations for a naturalization treaty between the United States and Italy.	555
274	Mr. Jay to Mr. Bryan	Apr. 1	Same subject. Refers to previous correspondence on negotiation of a naturalization treaty; Italy holds that under the doctrine of dual allegiance and in the absence of a naturalization treaty, a person born in the United States of Italian parents is an Italian subject when in Italy, even where the father was naturalized before that person's birth, and may be detained for military service.	556
271	Mr. Page to Mr. Bryan	May 11	Same subject. Reply to Department's 127 of Mar. 24. Because of Italy's relation to the European war, the present is not an opportune time to reopen negotiations for a naturalization treaty.	557

ITALY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Lodge to Counselor of the Department of State.	June 5	Same subject. Incloses papers showing status of Ugo Da Prato and his father Antonio. Dual citizenship not possible; the American doctrine of indefeasible allegiance is accepted by nearly all nations. Italy's contention to the contrary should be strongly opposed.	557
252	Mr. Bryan to Mr. Page (telegram).	June 7	Same subject. Reply to his 281 of May 18, concerning Ghiloni, whose father was naturalized after the son's birth. Under its law, Ghiloni is a citizen of the United States. It is hoped the Italian Government will permit his return to this country.	558
318	Mr. Page to Mr. Bryan (telegram).	June 8	Same subject. Inquiry as to detention of Enrico Ajello.	559
254	Mr. Lansing to Mr. Page (telegram).	June 9	Same subject. Da Prato's father naturalized before the son's birth; request his immediate release.	559
	Mr. Lansing to Mr. Lodge	do	Same subject. Reply to his June 5; refers to Department's June 9 to Mr. Page. Da Prato will probably be released. Response to Mr. Lodge's remarks on the law involved; "dual citizenship" discussed at length.	559
256	Mr. Lansing to Mr. Page (telegram).	June 10	Same subject. Reply to his 318 of June 8; instruction to request release of Ajello.	564
321	Mr. Page to Mr. Lansing (telegram).	do	Same subject. Reply to Department's June 9; Ugo Da Prato is held by Italy to be an Italian citizen, subject to military duty, under Law 555 of June 13, 1912, because his father, Antonio Da Prato returned to Italy, resided there more than two years, thus reacquired Italian citizenship, and communicated it to his son.	564
322	Same to same (telegram)	June 11	Same subject. Reply to Department's June 7; Ghiloni case presented to the Foreign Office June 8, but no reply to date.	565
261	Mr. Lansing to Mr. Page (telegram).	June 14	Same subject. Reply to his 321 of June 10; further information as to Da Prato; instruction to present it to the Italian Government.	565
	Mr. Lodge to Mr. Lansing	June 16	Same subject. Reply to Mr. Lansing's June 9; further remarks on dual citizenship; its contrast with dual allegiance.	565
318	Mr. Page to Mr. Lansing	June 17	Same subject. Refers to Department's 254 and 261 of June 9 and 14 on the Da Prato case; incloses Foreign Office note of May 4 thereon, and his note of June 16 to the Foreign Office in pursuance of Department's 261.	566
331	Same to same (telegram)	do	Same subject. Refers to Department's 261 of June 14; he has presented a further note on the Da Prato case. The Foreign Office promises a careful investigation.	568
332	Same to same (telegram)	June 18	Same subject. Refers to Department's 256 of June 10 and requests transmission of a message to Ajello's brother.	568
282	Mr. Lansing to Mr. Page (telegram).	July 12	Same subject. Refers to his 318 of June 17. Asks what reply has been made to Embassy's note of June 16 to the Foreign Office concerning Da Prato.	568
	Mr. Lansing to Mr. Lodge	do	Same subject. Refers to previous correspondence; incloses copy of Mr. Page's 318 of June 17 showing Italian Government's decision in Da Prato case; informs him of Department's further efforts to secure Da Prato's release.	569
351	Mr. Page to Mr. Lansing (telegram).	July 14	Same subject. Reply to Department's 282 of July 12; he is again urging release of Da Prato.	569
286	Mr. Lansing to Mr. Page (telegram).	July 20	Same subject. Case of Mazza, father not naturalized at time of son's birth. Instruction to request permission for Mazza's departure.	570
287	Same to same (telegram)	do	Same subject. Refers to his 322 of June 11, Ghiloni case; instructions; the principle of election of nationality should be recognized in cases of persons born with dual nationality.	570
354	Mr. Page to Mr. Lansing (telegram).	July 22	Same subject. Reply to the foregoing; Ghiloni case is promised early attention; Foreign Office seems more favorable than formerly to the idea of naturalization.	570
188	Mr. Lansing to Mr. Page	July 29	Same subject. Refers to his 332 of June 18, and instructs him to request an early decision of the Ajello case.	571
194	Same to same	Aug. 4	Same subject. Refers to previous correspondence in Da Prato case and incloses the further evidence sent by Senator Lodge on July 29; instruction to present it and to say to Foreign Office that this Government does not consider applicable to this case the Italian law cited in Embassy's 321 of June 10; by American law a presumption of expatriation is raised by a residence abroad of more than two years, but it may be overcome by satisfactory evidence, as in this case.	571

ITALY—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
345	Mr. Page to Mr. Lansing	Aug. 4	Same subject. Reports an interview with the Minister for Foreign Affairs in regard to the negotiation of a naturalization treaty; suggests the preparation of a draft treaty for presentation to the Foreign Office.	572
368	Same to same (telegram)	Aug. 13	Same subject. Cases of Tumolillo, Gallo, and Leone, ordered released because born after fathers' naturalization. Cases of Da Prato, Ghiloni, and Barsotti will soon be decided.	574
371	Same to same (telegram)	Aug. 18	Same subject. Confirms the foregoing	574
358	Same to same	Aug. 20	Same subject. Reply to Department's 188 of July 29.	574
383	Same to same	Aug. 24	Same subject. Reply to Department's 282 of July 12. Da Prato has been released.	575
360	Mr. Jay to Mr. Lansing	do	Same subject. Refers to the foregoing and incloses Foreign Office note on the subject, which includes a statement that Da Prato must leave Italy within two months. Requests instruction on this point; refers to Mr. Page's 318 of June 17.	575
362	Mr. Page to Mr. Lansing	Aug. 27	Same subject. Refers to Department's 194 of Aug. 4; explains the reasoning of the Foreign Office in releasing Da Prato. Incloses three Foreign Office notes in the cases of Barsotti and Ghiloni, whose release is refused; reasons given.	576
367	Same to same	Sept. 4	Same subject. Refers to his 362 of Aug. 27, Ghiloni case; incloses copy of his note to the Foreign Office, requesting Ghiloni's release on the ground of ill health, but without surrendering the other grounds previously taken.	578
389	Same to same (telegram)	Sept. 5	Same subject. Reply to Department's 314 of Sept. 4 and refers to his 362 of Aug. 27 and 367 of Sept. 4. Ghiloni's release refused by War Office on ground of birth before naturalization of father.	578
209	Mr. Lansing to Mr. Page	Sept. 15	Same subject. Reply to his 360 of Aug. 24; the Department does not feel warranted in requesting that Da Prato be permitted to remain in Italy.	579
118	Mr. Lansing to Count Macchi di Cellere.	Sept. 18	Agreement between the United States and Italy relative to the appointment of Commission under article 2 of Treaty of May 5, 1914. Suggests an extension of time within which to organize commission.	553
3509	Count Macchi di Cellere to Mr. Lansing.	do	Same subject. Italian Government agrees to the extension of time.	554
332	Mr. Polk to Mr. Page (telegram).	Sept. 28	Liability to Italian military service. Refers to his 358 of Aug. 20; instruction to call attention to Ajello's service as a juryman in New York.	579
398	Mr. Page to Mr. Lansing (telegram).	Sept. 29	Same subject. Reply to the foregoing; the War Office now asks for Ajello's family history.	579
408	Same to same (telegram)	Oct. 11	Same subject. Reply to Department's 286 of July 20; Foreign Office asks exact date of naturalization of Mazza's father.	579
	Same to same	do	Same subject. Transmits Foreign Office note containing the decision of the military authorities relative to prohibition of emigration from Italy of Italian subjects having military obligations toward the Italian Government.	579
351	Mr. Lansing to Mr. Page (telegram).	Oct. 14	Same subject. Reply to his 408 of Oct. 11; Mazza's father not naturalized.	580
396	Mr. Page to Mr. Lansing	Oct. 25	Same subject. Confirms his 389 of Sept. 5, inclosing Foreign Office note verbale of Oct. 2 on the subject.	580
	Mr. Flournoy to Mr. Lansing.	Nov. 18	Same subject. Discusses the difficulties arising between the two Governments due to the lack of a naturalization treaty.	581
412	Mr. Page to Mr. Lansing	Nov. 19	Same subject. Report on the Guerrini case	582
253	Mr. Lansing to Mr. Page	Dec. 7	Same subject. Refers to Department's 351 of Oct. 14, and requests report on Mazza case.	583
415	Same to same (telegram)	Dec. 16	Same subject. Refers to his 398 of Sept. 29. Instruction to press for release of Ajello.	583
441	Mr. Page to Mr. Lansing	Dec. 20	Same subject. Reply to the foregoing. Reports upon his efforts in behalf of Ajello and citation to the Foreign Office of this case as a further argument for a naturalization treaty.	583

JAPAN.

		1913.		
	Mr. Bryan to Mr. Guthrie	Sept. 24	Extradition of Eills. Incloses necessary papers for establishing charge of perjury against John Eills; instruction to request his extradition.	587
	Same to same (telegram)	Sept. 25	Same subject. Same subject and tenor	588

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1913.		
	Mr. Guthrie to Mr. Bryan (telegram).	Oct. 15	Same subject. Eills arrested. Requests the Ambassador's consent to his release on bail.	588
	Mr. Moore to Mr. Guthrie (telegram).	Oct. 17	Same subject. Reply to the foregoing. The Ambassador is not authorized to consent to release of Eills on bail.	588
22	Mr. Guthrie to Mr. Bryan.	Nov. 24	Same subject. Full report of the arrest and release of Eills, request for his extradition and its refusal by Japan; incloses note from Foreign Office giving the grounds for the refusal.	589
		1914.		
25	Mr. Hanson to Mr. Bryan.	June 17	Discrimination in freight rates affecting equal commercial opportunity in China; protest of the United States. Reports that the Japanese authorities have decided that the reduced rates on the Mukden-Antung section of the South Manchuria Railway will be extended to specific through imports into Manchuria via Dalny and Newchwang from Japan only, and that the same rates will not be applied to through imports from Shanghai. Comments on the adverse effect of this decision on American imports.	594
284	Mr. Reinsch to Mr. Bryan.	June 27	Same subject. Refers to Mr. Hanson's No. 25 of June 17; the freight arrangements therein mentioned seem clearly contrary to the spirit of the undertaking concerning equal commercial opportunity by the Japanese Gocernment at the instance of Secretary Hay in 1899, and many subsequent assurances by Japan. Requests instructions.	595
	Mr. Pontius to Mr. Bryan.	June 30	Same subject. Incloses copy of his report No. 5 to the Legation.	595
98	Mr. Guthrie to Mr. Bryan.	July 4	Same subject. Refers to Mr. Hanson's No. 25. The action of the Japanese authorities seems in this case inconsistent with the principle of equal opportunity and with their assurances of adherence to this principle. The British Ambassador has addressed a note to the Japanese Foreign Office stating that while the rates specifically applied only to direct imports from Japan, he presumed that British goods shipped from Shanghai would enjoy the same benefit.	596
104	Same to same	July 20	Same subject. Quotes the British Consul at Dalny on the subject.	597
57	Mr. Lansing to Mr. Guthrie.	Aug. 18	Same subject. Refers to his Nos. 98 and 104 o July 4 and 20; instructs him to endeavor to ascertain the result of the action taken by the British Ambassador, and to consult and cooperate with him in any effort to obtain fair treatment for shipments from Shanghai over the South Manchuria Railway.	598
35	Mr. Pontius to Mr. Bryan.	Oct. 3	Same subject. Incloses copy of his report No. 28 to the Legation concerning new developments.	598
	Mr. Guthrie to Mr. Bryan.	Oct. 8	Same subject. Incloses memorandum received from the British Ambassador, dated Sept. 28, 1914.	599
	Mr. Williamson to Mr. Bryan.	Oct. 9	Same subject. Incloses copy of railway notice No. 46.	600
	Same to same	do	Same subject. Incloses copy of railway notice No. 47. The effect of the railway company's action is to give Japan an unfair advantage, and is in contravention of article 8 of the Treaty of Commerce and Navigation with Japan of Feb. 21, 1911.	600
	Same to same	Oct. 10	Same subject. Incloses copy of railway notice No. 39.	601
	Same to same	do	Same subject. Incloses copy of railway notice No. 40.	602
39	Mr. Pontius to Mr. Bryan.	Oct. 17	Same subject. Incloses copy of his report No. 31 to the Legation, giving clear evidence of discrimination.	602
423	Mr. Reinsch to Mr. Bryan.	Oct. 28	Same subject. Refers to Department's No. 140 of July 30 and to other correspondence; comments on the memorandum of the British Ambassador forwarded by Mr. Guthrie in his Oct. 8; analyzes the entire subject. The British Minister considers the new rates discriminatory and clearly inconsistent with Japanese treaties and understandings.	603
46	Mr. Pontius to Mr. Bryan.	Nov. 7	Same subject. Incloses copy of his report No. 38 to the Legation.	605

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1914.		
76	Mr. Lansing to Mr. Guthrie.	Nov. 19	Same subject. Refers to his Oct. 8; instructs him to endeavor to obtain the cooperation of the British Ambassador in representing to the Japanese Government the injury that will be done to American and European trade in Manchuria by the discriminatory rates, calling attention to the repeated pledges of equality of commercial opportunity in China given by Japan to the United States. Failing to obtain his colleague's cooperation, he should bring the subject informally before the Foreign Office and endeavor to obtain assurance of removal of the discriminatory rates.	606
	Mr. Boynton to Mr. Bryan.	Nov 24	Extradition of Eills. Statement of the facts in the Eills case; appeal to the Department to secure through diplomatic channels the enforcement of the decree of the Massachusetts court, violated by Eills in abducting his daughter, awarded to the custody of the mother.	591
52	Mr. Pontius to Mr. Bryan.	Nov. 28	Discrimination in freight rates. Incloses copy of his report No. 44 to the Legation.	607
81	Mr. Bryan to Mr Guthrie.	Dec. 8	Same subject. Continues Department's instruction No. 76 of No. 19; incloses copy of Mr. Pontius's report to Peking, No. 38 of Nov. 7; instructs him to bring the subject again to the attention of the Foreign Office and request such modification of the published rates and rules as will remove all just cause of complaint on the part of American merchants.	608
	Mr Boynton to Mr. Bryan.	Dec. 23	Extradition of Eills. Refers to his Nov. 24, and requests statement of the present status of negotiations with Japan in the case.	592
		1915.		
90	Mr. Bryan to Mr. Guthrie.	Jan. 4	Discrimination in freight rates. Refers to Department's No. 81 of Dec. 8, 1914, and incloses copy of Mr. Pontius's No. 52 of Nov. 28.	608
63	Mr. Pontius to Mr. Bryan.	Jan. 6	Same subject. Incloses copy of correspondence between the Embassy at Tokio and his Consulate at Newchwang.	609
184	Mr. Guthrie to Mr. Bryan.	---do----	Same subject. Refers to Department's No. 76 of Nov. 19, 1914; reports conferences with the British Ambassador, whose Government did not consider the amount involved sufficient to justify further action at the time; incloses copy of a memorandum which he had recently handed to the British Ambassador, who promised to write immediately to the British Minister at Peking regarding the attitude of the British Consuls at Shanghai and Newchwang after consulation with the American Consuls there; if their views were the same, he would join Mr. Guthrie in representations, if authorized, to the Japanese Government.	610
70	Mr. Hanson to Mr. Bryan.	Jan. 28	Same subject. Incloses copy of an instruction to him from the Embassy at Tokio, and his reply.	611
	Mr. Bryan to Mr. Boynton.	Feb. 1	Extradition of Eills. The Department has concluded that it is without authority to take action at present; it can not assume in advance that the question will not be decided justly by the Japanese courts.	592
	Mr. Bryan to Mr. Guthrie.	Feb. 12	Discrimination in freight rates. Acknowledges receipt and careful reading of his No. 184 of Jan. 6.	613
234	Mr. Guthrie to Mr. Bryan.	Mar. 8	Same subject. Refers to his No. 184 of Jan. 6. The British Ambassador has informed him that in view of all the circumstances he does not feel disposed to join him in any representations on the subject to the Japanese Government. He has filed a representation on behalf of American trade, and incloses a copy.	613
242	Same to same	Mar. 29	Same subject. Refers to his No. 234 of Mar. 8 and incloses copy of reply from the Foreign Office to his representations, dated Mar. 19.	615
253	Same to same	Apr. 6	Same subject. Refers to his No. 242 of Mar. 29 and reports information given him by the British Ambassador of steps he has taken after a conversation with the Japanese Minister for Foreign Affairs.	617
140	Mr. Bryan to Mr. Guthrie.	Apr. 17	Same subject. Refers to his No. 234 of Mar. 8 and approves the representations to the Japanese Government therein reported; instructs him to renew his representations and to spare no efforts to obtain a satisfactory settlement of the matter, which appears to be of considerable importance to American trade	617

JAPAN—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Bryan to Mr. Guthrie (telegram).	Apr. 17	Same subject. Refers to his 234; instructs him to request Foreign Office to instruct railway authorities to grant reduced rates to shipments in other than Japanese vessels, whether to Newchang or Dairen, as necessary to preserve open door.	618
	Mr. Wheeler to Mr. Bryan.	Apr. 21	Coronation. The ceremonies will occur Nov. 15....	585
296	Mr. Wheeler to Mr. Lansing.	June 9	Discrimination in freight rates. Refers to Department's telegram and No. 140 of Apr. 17, and the Embassy's Nos. 242 and 253 of Mar. 29 and Apr. 6. Incloses copies of correspondence with the Foreign Office.	618
	Same to same	June 23	Same subject. Refers to his No. 296 of June 9 and incloses copies of a letter with inclosures from the Consul at Dairen, Mr. Williamson, relating to his correspondence with the South Manchuria Railway Co. in regard to a draft agreement concerning rates.	620
373	Mr. Guthrie to Mr. Lansing.	Oct. 22	Extradition of Eills. Reports that the Japanese court has awarded the custody of the child to the mother, basing its action on the order of the Massachusetts court; and that Eills has appealed.	593
378	Same to same	Nov. 4	Discrimination in freight rates. Refers to Mr. Wheeler's June 9 and June 23; incloses copy of a note from the Foreign Office informing him that the Japanese authorities have seen in Mr. Williamson's letter to Mr. Kubo (subinclosure 5 with Mr. Wheeler's June 23) a reason for the discontinuance of the negotiations. As there is no American steamship line touching at Dairen at present, he has not considered the matter urgent, but would like to know the wishes of the Department.	624
	The President to the Emperor (telegram).	Nov. 10	Coronation. Greetings	585
	The Emperor to the President (telegram).	Nov. 12	Same subject. Reply	585
386	Mr. Guthrie to Mr. Lansing.	Nov. 26	Same subject. Representation of the United States, and other matters.	586
	Mr. Lansing to Mr. Guthrie (telegram).	Dec. 11	Same subject Expresses thanks for courtesies extended to the American diplomatic and naval representation.	586
	Same to same (telegram)	Dec. 15	Same subject. Expresses thanks for cordial treatment of officers and men of the Asiatic Fleet.	586
	Mr. Guthrie to Mr. Lansing.	Dec. 20	Same subject. Expressed thanks for the courtesies extended to the American Naval Representation; remarks.	587

LIBERIA.

		1915.		
	Mr. Buckner to Mr. Bryan (telegram).	Jan. 2	Financial affairs. Asks whether the Frontier Force charges may be paid prior to interest.	635
	Mr. Bryan to Kuhn, Loeb & Co. (telegram).	Jan. 6	Same subject. Transmits telegram from American Minister at Monrovia. Department desires to know if the payment of a minimum frontier force could be chargeable before the payment of interest?	635
	Kuhn, Loeb & Co. to Mr. Bryan (telegram).	...do.....	Same subject. Acknowledges receipt of telegram referring to Liberia. Matter taken up with fiscal agency and will advise soon.	636
	Mr. Bryan to Kuhn, Loeb & Co. (telegram).	Jan. 20	Same subject. It is hoped agreement is reached about payment of Liberian interest so Department may soon reply to telegram from American Minister, Monrovia.	636
	Kuhn Loeb & Co. to Mr. Bryan (telegram).	Jan. 21	Same subject. Fiscal agents for Liberian loan have taken up question with their attorneys, Messrs. Sherman and Sterling, who will communicate direct with Department.	636
	Mr. Bryan to Mr. Buckner (telegram).	Jan. 23	Same subject. Reply to his Jan. 2. Article 4 of the loan agreement would give authority to pay arrears from collections of customs and necessary running expenses of armed guard.	636
	Mr. Clark to Mr. Bryan (telegram).	Jan. 25	Same ubject. Refers to the foregoing. Receivership must abandon American officers and frontier force unless specific authority be given to maintain organization as charge prior to interest. Government unable to provide funds.	637
26	Mr. Bryan to Mr. Buckner (telegram).	Jan. 26	Same subject. Reply to he foregoing. Bankers consider maintenance police force essential. Article 4 of the loan agreement gives authority to pay force.	637
91	Mr. Buckner to Mr. Bryan.	Mar. 19	Same subject. Transmits copy of letter from General receiver concerning a loan to Liberian Government by Excelsior Mining Co.	637

LIBERIA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
23	Mr. Bryan to Mr. Bundy	May 7	Same subject. If Liberian Government continues to make unauthorized charges against revenues of country, it can not expect cordial support it has heretofore received from this Government.	638
95	Mr. Bundy to Mr. Bryan	May 11	Same subject. Submits report with respect to financial conditions in Liberia and certain emergency legislation remedial in nature passed at the extra session of the Legislature in March last called by the President for that purpose.	638
104	Mr. Bundy to Mr. Lansing	July 13	Same subject. Reports improvement in the financial condition.	640
	Same to same (telegram)	Sept. 28	Political affairs. Kru tribes in rebellion against Government, which appeals to Legation to request United States to send war vessel immediately.	627
	Mr. Polk to the President	Sept. 30	Same subject. Requests approval of U. S. S. *Chester* being sent to cruise in Liberian waters.	628
	The President to Mr. Polk	Oct. 1	Same subject. The U. S. S. *Chester* ought to be sent to Liberia.	628
	Mr. Lansing to Mr. Bundy (telegram).	Oct. 4	Same subject. U. S. S. Cruiser *Chester* will arrive about Nov. 1.	628
	Mr. Lansing to Mr. Spring Rice.	Oct. 7	Same subject. Advises that the U. S. S. *Chester* has been ordered to Liberia to lend moral support to the Liberian Government in quelling the uprising of native tribes. (Same to the French Ambassador.)	628
126	Mr. Bundy to Mr. Lansing	Oct. 14	Same subject. Expected visit of U. S. S. *Chester* relieves tense situation created by unfriendly attitude of foreign elements as well as disorders of Kru coast and will aid the Government's endeavor to preserve neutrality.	629
	Same to same (telegram)	Oct. 19	Same subject. British cruiser *Highflyer* sent to Monrovia to offer assistance in Kru disturbances until arrival of *Chester*. Liberian Government awaits Department's advice before accepting offer.	629
2312	Mr. Lansing to Mr. Page (telegram).	Oct. 20	Same subject. Advises arrival of British cruiser *Highflyer* at Monrovia. Liberian Government feels that its neutrality would be violated if *Highflyer* remained longer than 24 hours in Liberian waters.	630
3070	Mr. Page to Mr. Lansing (telegram).	Oct. 21	Same subject. The British Government has directed the withdrawal of the *Highflyer* from Liberia.	630
	Mr. Bundy to Mr. Lansing (telegram).	---do----	Same subject. British Cruiser left Monrovia yesterday. British Consul General informed Liberian Government that cruiser was ordered to sea by the Admiralty.	630
2320	Mr. Lansing to Mr. Page (telegram).	---do----	Same subject. Legation Monrovia reports *Highflier* put to sea 20th. Take no further action with British Government.	631
136	Mr. Bundy to Mr. Lansing	Nov. 8	Financial affairs. Incloses copy of an agreement between Liberia and the Bank of British West Africa (Ltd.), constituting the bank the depository of all Liberian revenues excepting the postal revenues.	640
	Same to same (telegram)	Nov. 9	Political affairs. *Chester* arrived Monrovia Nov. 8.	631
	Mr. Daniels to Mr. Lansing.	Nov. 20	Same subject. Requests to be advised whether or not the services of the *Chester* are any longer required at Monrovia.	631
	Mr. Bundy to Mr. Lansing (telegram).	Nov. 23	Same subject. *Chester* at Sinoe since 10th. Commander wires that tribes refuse peace and fighting is beginning.	631
	Same to same (telegram)	Nov. 28	Same subject. *Chester* at Monrovia. Port of Sinoe opened after fight; 20 natives, 2 soldiers killed.	631
	Mr. Lansing to Mr. Daniels	Nov. 29	Same subject. Reply to his Nov. 20. Requests *Chester* be permitted to remain until disturbances subside and lives of foreigners in the Republic are no longer in danger.	632
	Mr. Bundy to Mr. Lansing (telegram).	Dec. 1	Same subject. The Liberian Government requests the loan of arms and ammunition from the United States.	632
	Mr. Benson to Mr. Lansing	Dec. 8	Same subject. Reply to his Nov. 29. The *Chester* will be kept in Liberian waters until Jan. 1, 1916.	632
151	Mr. Bundy to Mr. Lansing	Dec. 17	Message of the President of Liberia. Transmits copy of.	626
152	Same to same	Dec. 18	Political affairs. Reports conditions on the Kru coast. Incloses correspondence between the Kru Chiefs and the British Consul General.	633
153	Same to same	Dec. 20	Financial affairs. Reports financial condition as satisfactory.	642

MEXICO.

No.	From and to whom.	Date.	Subject.	Page.
		1914.		
72	Mr. De Oliveira to Mr. Bryan (telegram)	June 26	Treatment of religious orders in Mexico. Persecuted clergy request the American Government to intercede in their behalf so that revolutionists may afford them protection in their persons and property.	1004
	Mr. Bryan to Mr. Hanna (telegram).	June 30	Same subject. Refers to Mr. De Oliveira's June 26 and instructs him to express to Carranza the hope that full protection will be given the persons and properties of all persons connected with religious organizaions	1004
142	Mr. Bryan to Mr. De Oliveira (telegram).	---do-----	Same subject. Reply to his 72 of June 26; instruction to offer protection when necessary in his opinion; refers to Department's telegram of June 30 to Mr. Hanna.	1005
79	Mr. De Oliveira to Mr. Bryan (telegram).	July 8	Same subject. Reports execution of three priests and imprisonment of others after collection of 100,000 pesos ransom. Further violence feared.	1005
	Mr. Osborne to Mr. Hanna (telegram).	July 11	Same subject. Refers to Department's June 30 and Mr. De Oliveira's July 8; instructs him to make further representations to Carranza.	1005
156	Mr. Osborne to Mr. De Oliveira (telegram).	---do-----	Same subject. Reply to his 79, July 8; informs him of the instruction of July 11 to Mr. Hanna.	1006
	Cardinal Gibbons to the President.	Aug. 18	Same subject. Requests representations to Constitutionalist leaders in behalf of Catholics in Mexico.	1006
	The President to Cardinal Gibbons.	Aug. 21	Same subject. Reply to his Aug. 18.	1006
	Mr. Morgenthau to Mr. Bryan (telegram).	Sept. 21	Protection of Turkish interests. The Turkish Government desires to ascertain promptly if the American Government will take charge of Turkish interests in Mexico and in South American countries where Turkey is not represented.	1072
	Mr. Lansing to Mr. Morgenthau (telegram).	Sept. 22	Same subject. Assents to request, if made.	1072
	Father Tierney to Mr. Bryan.	Oct. 17	Religious orders. Statement of the condition of the Catholic Church in Mexico; request for protection of priests and nuns.	1007
	Mr. Bryan to Father Tierney.	Nov. 27	Same subject. Reply to his Oct. 17, inclosing remarks by the President.	1009
	Mr. Hussein to Mr. Bryan.	Dec. 7	Protection of Turkish interests. Requests that this Government take charge of Turkish interests in Mexico.	1072
	War Department memorandum.	Dec. 18	Firing and raids across the boundary line by Mexican troops and bandits. Casualties on the American side of the entire Mexican border, 1911–1914.	786
		1915.		
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 1	Political affairs. The Convention met and adjourned till Jan. 4.	643
385	Mr. Lansing to Mr. De Oliveira (telegram).	Jan. 2	Firing and raids across the boundary line by Mexican troops and bandits. General Hill signed the proposed agreement with Maytorena concerning avoidance of violations of American territory, but Maytorena awaits authority from President Gutierrez. General Scott believes Villa could authorize him, but Villa refuses and purposes attacking Naco. Instructs him to protest against this to Gutierrez. Informs him that equivalent protest has been made to Villa.	786
270	Mr. De Oliveira to Mr. Bryan (telegram).	Jan. 4	Same subject. Quotes reply to his representations in pursuance of instructions of Jan. 2. Maytorena has been ordered not to attack Naco and to withdraw from the border.	787
	Mr. Arredondo to Mr. Bryan.	---do-----	Same subject. Offers his good offices to relieve the situation at Naco; throws the responsibility for the firing across the boundary wholly on Maytorena.	787
	Mr. Bryan to Mr. Riaño.	---do-----	Protection of Spanish interests. Incloses copy of Mr. Canada's 1095 of Dec. 18, 1914, transmitting Carranza Foreign Office statement that representations in regard to Spanish subjects must be made by the legal representative of Spanish interests in Mexico.	1032
	Mr. Carothers to Mr. Bryan (telegram).	Jan. 5	Firing and raids. Recommends permission for General Scott and General Villa to call on each other, with the probability of their settling the whole boundary trouble.	788
392	Mr. Bryan to Mr. De Oliveira (telegram).	---do-----	Forced loans imposed on American citizens. Please request Villa to order withdrawal of demand of Peláez on Penn-Mex. Co. for $50,000.	983
744	Mr. Bryan to Mr. Bevan.	Jan. 6	Same subject. Reply to his 1316 of Dec. 12.	984
	Mr. Bryan to Mr. Carothers (telegram).	Jan. 7	Firing and raids. Approves his recommendation of Jan. 5 and will refer it to the War Department.	788
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 8	Political affairs. Provisional President Gutierrez announces to the Convention that the problem of pacification is practically solved.	643

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Canada to Mr. Bryan (telegram).	Jan. 8	Protection of American oil interests. Summarizes Carranza's decree of Jan. 7, 1915, ordering cessation of work on oil lands. A well brought in subsequent to decree shall be national property.	870
274	Mr. De Oliveira to Mr. Bryan (telegram).	...do.....	Forced loans. Reply to Department's Jan. 5. He referred the matter to Mr. Carothers on Dec. 16.	984
	Mr. Carothers to Mr. Bryan (telegram).	Jan. 9	Firing and raids. General Scott has secured from Villa an agreement to order Maytorena to sign agreement approved by the President.	789
	Mr. Bryan to Mr. Stadden (telegram).	...do.....	Protection of French interests. Instruction to use his good offices to secure release of French steamer *Korrigan II.*	1056
	Mr. Bryan to the American consular officers in Mexico.	...do.....	Protection of Turkish interests. Instruction to use their unofficial good offices in behalf of Turkish subjects in accordance with consular regulations.	1072
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 10	Political affairs. Gen. Roque Gonzalez Garza elected President of the Convention.	643
	----------	Jan. 11	Firing and raids. Translation of the text of agreement to evacuate Naco, render it neutral and closed to traffic, and to refrain from attacking Nogales and Agua Prieta—all with the object of avoiding damage on territory of the United States; signed by General Calles for the Constitutionalists and by Governor Maytorena for the Conventionists, and certified to by General Scott.	789
	Mr. Bevan to Mr. Bryan (telegram).	...do.....	Protection of American oil interests Reports closing down of several oil companies by Carranza.	871
	Mr. Canada to Mr. Bryan (telegram).	...do.....	Same subject. Refers to Department's Dec. 24, 1914. Further information concerning government treatment of foreign oil companies.	871
257	Mr. Bryan to Mr. Morgenthau (telegram).	...do.....	Protection of Turkish interests. Reply to his Sept. 21, 1914; informs him of the circular instruction of Jan. 9.	1073
	Mr. Bryan to Mr. Canada (telegram).	Jan. 13	Protection of American oil interests. Refers to his Jan. 8; instructs him to protest to Carranza against application of his decree to foreigners; destruction of their property will have serious consequences.	871
	Mr. Bryan to Mr. Hussein.	...do.....	Protection of Turkish interests. Reply to his Dec. 7; informs him of the circular instruction of Jan. 9.	1073
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 14	Political affairs. Transmits plan of government submitted to the Convention by Zapatista delegates.	644
1344	Mr. Bevan to Mr. Bryan (telegram).	...do.....	Protection of American oil interests. Refers to his telegram of Jan. 11, 1915, and transmits copy of Carranza's decree of Jan. 7, 1915.	872
	Mr. Bryan to Mr. Carothers (telegram).	...do.....	Forced loans. Instruction to request Villa to order withdrawal of demand of Peláez on Penn-Mex. Co. for $50,000 and otherwise give adequate protection.	984
	Mr. Bryan to the American consuls in Mexico (identic telegram).	...do.....	Religious orders. Instruction to report in detail any outrages upon nuns and priests that may have occurred in their respective districts since Jan. 1, 1914.	1010
755	Mr. Bryan to Mr. Bevan..	Jan. 15	Protection of American oil interests. Informs him of contents of Mr. Canada's Jan. 11.	873
	Mr. Hostetter to Mr. Bryan (telegram)	...do.....	Religious orders. Reply to Department's Jan. 14..	1010
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 16	Political affairs. President Gutierrez having abandoned the capital, the President of the Convention, Gonzalez Garza, assumes chief command and establishes martial law.	644
	Mr. De Oliveira to Mr Bryan (telegram).	...do.....	Same subject and tenor ----------	645
290	Same to same (telegram) ---	...do.....	Firing and raids.. Transmits note to him from the Conventionist Government quoting amendment to clause 3 of the above agreement, providing for closing the Naco customhouse; when this is accepted by Carranza notice thereof will be given.	790
1345	Mr. Bevan to Mr. Bryan..	...do.....	Protection of American oil interests. Forwards official interpretation of the decree of Jan. 7.	873
	Mr. Guyant to Mr. Bryan (telegram).	...do.....	Religious orders. Reply to Department's Jan. 14..	1010
	Mr. Daniels to Mr. Bryan.	...do.....	Protection of French interests. Quotes telegram concerning the *Korrigan II.*	1057
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 17	Political affairs. The Convention deposes Provisional President Gutierrez, itself assumes his powers and makes its President, Gonzalez Garza, its Executive.	645
	Mr. Arredondo to Mr. Bryan.	...do.....	Protection of American oil interests. By Carranza's direction he explains the decree of Jan. 7.	874

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Simpich to Mr. Bryan (telegram).	Jan. 18	Religious orders. Reply to Department's January 14.	1010
1346	Mr. Bevan to Mr. Bryan	...do	Same subject. Same subject and purport	1010
76	Mr. Stadden to Mr. Bryan	...do	Same subject. Same subject and purport	1011
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 19	Political affairs. General Villa is made Commander in chief of the Convention forces; other news of the Convention.	645
		...do	Same subject Text of the manifesto referred to above.	647
1009	Mr. Blocker to Mr. Bryan	...do	Religious orders. Reply to Department's January 14.	1012
	Mr. Llorente to Mr Bryan	Jan. 20	Political affairs. Incloses telegram from the Convention stating that it has proposed to Gutierrez and Carranza to agree to an armistice in which to hold peace parleys.	645
	Mr. Silliman to Mr. Bryan (telegram).	...do	Same subject. The deposed Provisional President, Gutierrez, issues a manifesto removing Villa, Carranza, and Zapata from their commands.	646
	Mr. Arredondo to Mr. Bryan.	...do	Raids and firing. Transmits telegram to him from General Calles stating that agreement with Maytorena has been practically concluded, and requesting that General Scott be thanked in behalf of the Constitutionalist Government for his assistance in settling the Naco situation.	791
	Mr. Simpich to Mr. Bryan (telegram).	...do	Same subject. Carrancistas have evacuated Naco, which is now occupied by Maytorenistas.	791
	Mr. Schmutz to Mr. Bryan	...do	Religious orders. Reply to Department's January 14.	1013
417	Mr. Bryan to Mr. De Oliveira (telegram).	Jan. 21	Political affairs. Instruction to make known to Provisional President Garza the views of this Government as to the attitude that should be adopted toward foreigners, political prisoners, and religious orders.	648
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 22	Reports proceedings of the Convention	648
	Mr. Bevan to Mr. Bryan (telegram).	...do	Protection of American oil interests. Oil companies must agree in writing to abide by new oil laws. Tampico companies refuse to sign.	874
	Mr. Riaño to Mr. Bryan	...do	Protection of Spanish interests. Informs him of the critical situation of Spaniards at various points, and requests the Department's aid.	1032
249	Mr. Edwards to Mr. Bryan.	Jan. 23	Religious orders. Reply to Department's January 14.	1013
	Mr. Bryan to Mr. Bevan (telegram).	Jan. 25	Protection of American oil interests. Instruction to protest against requirements described in his Jan. 22.	875
1438	Mr. Bryan to Mr. Jusserand.	...do	Protection of French interests. Quotes the telegram forwarded by Mr. Daniels in his Jan. 16.	1057
	Mr. Jusserand to Mr. Bryan.	...do	Same subject. He has heard that the Mexican Government has seized arms sent by the French Government for the defense of the French colony. Asks whether or not to credit the report.	1057
575	Mr. Letcher to Mr. Bryan	Jan. 26	Religious orders. Reply to Department's Jan. 14	1014
	Mr. Bryan to Mr. Riaño	...do	Protection of Spanish interests. Reply to his Jan. 22; informs him of action taken.	1033
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 27	Political affairs. The Convention and the Zapatista forces evacuate the city, going to Cuernavaca, Provisional President Garza remaining. The Constitutionalist forces expected.	648
	Same to same (telegram)	...do	Same subject. The Provisional President has departed and Ministers Palafox and Gomez assume military and civil authority.	648
	Same to same (telegram)	Jan. 28	Same subject. The Provisional President returns and orders complete evacuation of the city, the city council resuming its authority pending arrival of Constitutionalists.	648
	Same to same (telegram)	...do	Same subject. Carrancistas under Obregon occupy Mexico city.	649
	Mr. Johnson to Mr. Bryan	...do	Religious orders. Reply to Department's Jan. 14	1016
1119	Mr. Canada to Mr. Bryan	...do	Protection of Spanish interests. Incloses copy of his representations and the reply of Constitutionalist Foreign Office in regard to outrages on Spaniards.	1033
	Mr. Silliman to Mr. Bryan (telegram).	Jan. 29	Political affairs. General Obregon assumes military authority in the name of the First Chief.	649
	Mr. Simpich to Mr. Bryan (telegram).	...do	Protection of Chinese interests. Chinese colony of Nacozari, Sonora, looted by Villa's army. Chinese request that their Embassy at Washington be notified.	1087
	Mr. Silliman to Mr. Bryan.	Jan 30	Religious orders. Reply to Department's Jan. 14; incloses an official statement by Mgr. Paredes, Vicar General of Mexico, minimizing the reports of violence to priests and nuns.	1016

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
199	Mr. Morgenthau to Mr. Bryan.	Jan. 30	Protection of Turkish interests. Reports execution of the instruction of Jan. 11.	1073
	Mr. Blocker to Mr. Bryan (telegram).	Jan. 31	Protection of French interests. He has refused to certify invoices of coal entered for export to the United States because confiscated from French and American citizens.	1058
	Mr. Silliman to Mr. Bryan (telegram).	Feb. 1	Political affairs. General Benjamin Hill is in command of the city in the absence of General Obregon; Constitutionalists operating Mexican Railway.	649
	Mr. Simpich to Mr. Bryan (telegram).	---do----	Firing and raids. He is informed that Maytorena has appointed customs collector for Naco, now in charge, together with civil authorities of the town. General Calles has protested against railway company's activity in assisting Maytorena's reoccupation of Naco, which is in violation of the agreement.	791
	Mr. Arredondo to Mr. Bryan.	---do----	Same subject. Informs him of Maytorena's reoccupation of Naco in violation of the agreement.	792
	Mr. Bonney to Mr. Bryan (telegram).	---do----	Religious orders. Reply to Department's Jan. 14.	1017
	Mr. Bryan to Mr. Canada (telegram).	Feb. 2	Protection of French interests. Refers to him Mr. Jusserand's inquiry of Jan. 25.	1058
	Mr. Bryan to Mr. Simpich (telegram).	---do----	Protection of Chinese interests. Continue to use good offices with appropriate officials for relief of Chinese.	1087
303	Mr. De Oliveira to Mr. Bryan (telegram).	Feb. 3	Political affairs. Carranza removes Constitutionalist capital to Vera Cruz in order to force the Diplomatic Corps to move to the city of his headquarters. Text of telegram sent by the representatives of several countries to their Governments recommending withdrawal from Mexico. Suggests strong representations be made by this Government to Carranza as to necessity for leaving open the Foreign Office in Mexico City.	649
	Mr. Bryan to Mr. Carothers (telegram).	---do----	Protection of Chinese interests. At request Chinese Minister ask Villa order authorities Mexicali repeal law claimed to be unjust to Chinese. Same to American Consul at Ensenada.	1088
	Mr. Riaño to Mr. Bryan.	---do----	Expulsion of the Spanish Minister. The arrest of a Spanish confidential agent to General Villa, Señor Caso, has been attempted by General Obregon; requests good offices.	1049
431	Mr. Bryan to Mr. De Oliveira (telegram).	---do----	Same subject. Instruction to protest against arrest of Señor Caso, a diplomatic officer of a foreign government.	1050
1449	Mr. Lansing to Mr. Jusserand.	Feb. 4	Protection of French interests. Reply to his Jan. 25; informs him of the instruction of Feb. 2 to Mr. Canada.	1058
436	Mr. Lansing to Mr. De Oliveira (telegram).	---do----	Expulsion of the Spanish Minister. General Obregon threatens to deport the Spanish Minister unless he surrender Señor Caso, who is presumed to be in the Spanish Legation. Instruction to use his good offices.	1050
	Mr. Silliman to Mr. Bryan (telegram).	---do----	Same subject. Señor Caso's case is very doubtful.	1050
	Mr. Llorente to Mr. Bryan.	Feb. 5	Political affairs. Incloses announcement by Villa of his assumption of political power during lack of communication with Mexico City.	650
	Mr. Arredondo to Mr. Bryan.	---do----	Firing and raids. Further information on the subject of his Feb. 1, and request that this Government take such action thereon as the facts may suggest.	792
1128	Mr. Canada to Mr. Bryan.	---do----	Protection of Spanish interests. Supplements his 1119 of Jan. 28 with a second reply from the Foreign Office.	1035
	Mr. Lansing to Mr. Canada (telegram).	Feb. 6	Political affairs. Instruction to protest to Carranza in regard to his removal of the Foreign Office from Mexico City.	651
443	Mr. Lansing to Mr. De Oliveira (telegram).	---do----	Political affairs. Reply to his 303. Unanimity desirable in any action taken by Diplomatic Corps in regard to withdrawal fromMexico. Instructions in case of withdrawal.	651
1354	Mr. Bevan to Mr. Bryan.	---do----	Protection of American oil interests. Acknowledge Department's Jan. 25 and sends copies of his letter to the chief inspector of petroleum, the latter's notice to the Cortez Oil Corporation, and the company's reply.	875
	Mr. Cobb to Mr. Bryan (telegram).	---do----	Protection of Chinese interests. Villa has ordered authorities at Mexicali to abstain from collecting the two dollars tax from Chinese subjects.	1088

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
312	Mr. De Oliveira to Mr. Bryan (telegram).	Feb. 6	Expulsion of the Spanish Minister. Reply to Department's 436, Feb. 4. The Spanish Minister has replied to Obregon that Señor Caso is not at the Legation; everything possible is being done to exert good offices.	1051
1355	Mr. Bevan to Mr. Bryan	Feb. 7	Protection of American oil interests. Incloses decree relating to oil regulation in the Federal zone.	877
328	Mr. Guyant to Mr. Bryan	Feb 8	Protection of American mining interests. Reports nullification of all mining titles granted during the Huerta régime.	892
	Mr. Canada to Mr. Bryan (telegram).	---do----	Protection of Spanish interests. He is requested by the Spanish Consul to cooperate in securing justice for his countrymen; requests authority to make strong representations in regard to expulsion of Spaniards.	1035
	Same to same (telegram)	---do----	Protection of French interests. Corroborates the facts reported in Department's Feb. 2.	1059
	Mr. Daniels to Mr. Bryan	---do----	Same subject. Incloses report on the confiscation of the *Korrigan II*.	1059
	Mr. Silliman to Mr. Bryan (telegram).	Feb. 9	Political affairs. The Brazilian Minister, in charge of the interests of the United States, is the only one of the Diplomatic Corps who has sought to avoid a crisis, by his suggestion to the Department that Carranza be requested to allow a representative of the Foreign Office to remain at the capital.	652
321	Mr. De Oliveira to Mr. Bryan (telegram).	---do----	Expulsion of the Spanish Minister. Carranza has ordered the Spanish Minister to leave Mexico within 24 hours; suggests that he be admitted on board an American war vessel at Vera Cruz there to await the first opportunity to depart.	1051
	Mr. Silliman to Mr. Bryan (telegram).	Feb. 10	Same subject. Carranza's action as to the Spanish Minister is based upon charges of refusal to surrender Señor Caso and to submit the Legation to search. The Minister denies both charges. Complying with Department's Feb. 3 to Mr. De Oliveira, he telegraphed a conciliatory message to Carranza; gives its text.	1051
1360	Mr. Bevan to Mr. Bryan	Feb. 11	Protection of American oil interests. Incloses correspondence pertaining to permission to do work necessary to prevent irreparable injury to oil properties.	879
	Mr. Bryan to Mr. Canada (telegram).	---do----	Protection of Spanish interests. Reply to his Feb. 8; if explusion is apparently without good cause, make informal protest.	1036
453	Mr. Bryan to Mr. De Oliveira (telegram).	---do----	Explusion of the Spanish Minister. His 321, Feb. 9, has been repeated to Vera Cruz; instruction to take immediate steps if the Spanish Minister is molested in his journey to that port.	1052
	Mr. Bryan to Mr. Canada (telegram).	---do----	Same subject. Instruction to take up at once with with Carranza the matter of the deportation of the Spanish Minister and ask for proper protection.	1052
	Mr. Silliman to Mr. Bryan (telegram).	---do----	Same subject. The Spanish Minister has left for Vera Cruz. The diplomatic corps are representing to their governments the advisability of their withdrawal from Mexico. If they leave, asks if he could remain, as an observer only.	1053
	Mr. Canada to Mr. Bryan (telegram).	---do----	Same subject. The Spanish Minister has gone aboard a Spanish trans-Atlantic steamer which sails the 16th.	1053
	Mr. Bryan to Mr. Jusserand.	---do----	Protection of French interests. Repeats the substance of Mr. Canada's Feb. 8.	1059
258	Mr. Schmutz to Mr. Bryan	Feb. 12	Religious orders. Reports deportation of three Spanish priests.	1017
	Mr. Riaño to Mr. Bryan	Feb. 13	Explusion of the Spanish Minister. Conveys the thanks of the Spanish Minister for good offices.	1053
	Mr. Silliman to Mr. Bryan (telegram).	---do----	Protection of Turkish interests. Reports action taken in behalf of Turkish subjects and asks that Syrians in the north be warned to avoid the City of Mexico.	1074
	Mr. Arredondo to Mr. Bryan.	Feb. 15	Political affairs. Incloses circular from Carranza to all military commanders enjoining perfect unity in all relations with foreign representatives, every matter being transacted through the First Chief only.	652
1137	Mr. Canada to Mr. Bryan	---do----	Protection of Spanish interests. Supplements his 1119 of Jan. 28 with a reply from the Foreign Office.	1036
	Mr. Bryan to Mr. Canada (telegram).	Feb. 16	Protection of American oil interests. Instruction to bring the Huasteca Oil Company's complaint to Carranza's attention.	881
	Mr. Bonney to Mr. Bryan (telegram).	---do----	Forced loans. Reports securing temporary exemption of Americans from $130,000 forced loans by General Urbina.	984

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
461	Mr. Bryan to Mr. De Oliveira (telegram).	Feb. 16	Expulsion of the Spanish Minister. Instruction to request Mr. Silliman to ask Carranza for a reconsideration of the order expelling the Spanish Minister.	1054
	Mr. Silliman to Mr. Bryan (telegram).	...do.....	Protection of Turkish interests. Further information as to violence against Turkish subjects.	1074
	Mr. Shanklin to Mr. Bryan	Feb. 17	Taxation of American citizens. Requests instruction as to payment of mining and land taxes.	963
	Mr. Blocker to Mr. Bryan (telegram).	...do.....	Protection of French interests. Refers to his Jan. 31 and reports the coal not confiscated but shipped by agreement with the coal company.	1060
	Mr Silliman to Mr. Bryan	...do.....	Protection of Turkish interests. Refers to his Feb. 13 and 16; incloses correspondence as to protection of Syrians and concerning execution of three Syrians by Obregon.	1074
720	Mr. Bryan to Mr. Bevan	Feb. 18	Protection of American oil interests. If the American oil companies wish the Department to protest against application to them of oil decrees, they should so inform the Department.	881
285	Mr. Bryan to Mr. Blocker	...do.....	Protection of French interests. Approves his action as reported in his Jan. 31.	1060
	Mr. Blocker to Mr. Bryan	...do.....	Same subject. Enlarges upon his telegram of Feb. 17.	1060
343	Mr. De Oliveira to Mr. Bryan (telegram).	Feb. 19	Religious orders. Reports arrest of about 180 priests of various nationalities for failure to furnish 500,000 pesos within five days; he has asked Mr. Silliman to wire Carranza.	1017
1144	Mr. Canada to Mr. Bryan	Feb. 20	Protection of American oil interests. Refers to Department's Dec. 24, 1914, his reply of Jan. 11, and incloses the complete reply to his protests received from the Foreign Office.	882
16	Mr. Davis to Mr. Bryan	...do.....	Religious orders. Reply to Department's Jan. 14	1018
	Mr. Lansing to Mr. Hussein	...do.....	Protection of Turkish interests. Informs him of the contents of Mr. Silliman's Feb. 16.	1075
1263	Mr. Bevan to Mr. Bryan	Feb 21	Protection of American oil interests. Incloses copy of decree requiring statements of land ownership; it deeply concerns American oil interests.	882
475	Mr. Bryan to Mr. De Oliveira (telegram).	...do.....	Religious orders. Quotes instruction sent to Mr. Canada for representations to Carranza in regard to Mr. De Oliveira's 343 of Feb. 19; instructs him to intercede with Obregon in behalf of the Vicar General especially, as Mr. Canada will do with Carranza.	1019
345	Mr. De Oliveira to Mr. Bryan (telegram).	Feb. 22	Forced loans. Reports 5,000,000 pesos of forced loans to be demanded of bankers and merchants of Mexico City, including foreigners. Requests advice in regard to Mexico City Banking Co., principally American.	985
351	Same to same (telegram)	Feb. 23	Same subject. A forced loan of about 20,000,000 pesos is decreed by General Obregon, to be paid within three days by the business element of Mexico City. Requests advice.	985
356	Same to same	...do.....	Same subject. Foreigners are asking Carranza to reconsider decree issued by Obregon; requests support of their representations.	985
	Father Kelley to the President.	...do.....	Religious orders. Presents the views of the Catholic Church Extension Society as to the treatment of the clergy in Mexico; requests that the President make a strong declaration.	1019
	Mr. Silliman to Mr. Bryan (telegram).	...do.....	Expulsion of the Spanish Minister. Reply to Department's Feb. 16 to Mr. De Oliveira.	1054
	Mr. Bryan to Mr. Silliman (telegram).	Feb. 24	Closure of the port of Progreso. Instruction to protest against the reported closure on account of the damage to the sisal industry.	821
111	Mr. Bryan to Mr. Bonney	...do.....	Forced loans. Approves his action as stated in his Feb. 16.	986
	Mr. Davis to Mr. Bryan (telegram).	...do.....	Same subject. He has objected to a demand by the Mexican military authorities for contributions for support of the army.	986
480	Mr. Bryan to Mr. De Oliveira (telegram).	...do.....	Religious orders. Instruction to investigate the career of Vicar General Paredes and his reputation for veracity.	1020
	Mr. Phillips to Mr. Bryan	Feb. 25	Forced loans. Reports forced loans exacted by Guaymas authorities and suggests demand for refund.	986
	Mr. Bryan to Mr. Canada (telegram).	...do.....	Same subject. Instruction to request Carranza to recall the decree as to forced loan in Mexico City.	987
482	Mr. Bryan to Mr. De Oliveira (telegram).	...do.....	Same subject. Refers to his Feb. 22 and 23, and Department's Feb. 25 to Mr. De Oliveira. The tax, not discriminating against Americans and not being confiscatory, is not such as the Department can protest against.	987

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
363	Mr. De Oliveira to Mr. Bryan (telegram).	Feb. 25	Same subject. Refers to Department's 482. American colony passed a resolution of refusal to pay the forced loan.	988
	Mr. Riaño to Mr. Bryan	do	Expulsion of the Spanish Minister. Corrects a statement in regard to the mission of Señor Caso.	1054
	Mr. Silliman to Mr. Bryan (telegram).	Feb. 26	Forced loans. Mr. Canada has submitted to him for proper representation Department's Feb. 25.	988
	Same to same (telegram)	do	Same subject. Carranza has annulled special-tax decree so far as it concerns foreigners.	988
366	Mr. De Oliveira to Mr. Bryan (telegram).	do	Religious orders. Reply to Department's 480, Feb. 24.	1021
	Mr. Silliman to Mr. Bryan (telegram).	Feb. 27	Closure of the port of Progreso. Reply to Department's Feb. 24. Carranza will not permit export of sisal, and will close the port if necessary.	821
382	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 2	Political affairs. The International Committee of Relief, unable to secure transportation, requests the Department to arrange with Carranza for train service.	653
380	Same to same (telegram)	do	Same subject. Transmits appeal of the International Committee to the Department for relief from the tyranny of Obregon; description of conditions.	654
	Mr. Silliman to Mr. Bryan (telegram).	do	Closure of port of Progreso. The port has been closed until further notice.	821
	Same to same (telegram)	do	Same subject. Although legally closed the port is open.	822
	Same to same (telegram)	do	Expulsion of the Spanish Minister. Refers to Department's Feb. 16 to Mr. De Oliveira and his Feb. 23; the expulsion of the Spanish Minister can not be reconsidered.	1055
	Same to same (telegram)	Mar. 3	Political affairs. Describes desperate situation of the City of Mexico under present administration.	654
	Mr. Bryan to Mr. Silliman (telegram).	do	Same subject. Instructs him to represent to Carranza the seriousness of conditions at the capital and to report Carranza's attitude.	655
	Mr. Silliman to Mr. Bryan (telegram).	do	Closure of port of Progreso. Carranza still determined to keep the port closed.	822
	Mr. Bryan to Mr. Guyant	do	Protection of American mining interests. Refers to his 328 of Feb. 8. Instruction to inform the authorities it is expected that mining titles acquired in good faith will not be nullified except upon equitable terms and by legal process.	892
	Mr. Bryan to Mr. Davis	do	Forced loans. Approves his action as reported in his Feb. 24.	988
	Mr. Bryan to Mr. Riaño	do	Expulsion of the Spanish Minister. States the substance of Mr. Silliman's Mar. 2.	1055
	Mr. Silliman to Mr. Bryan (telegram).	do	Same subject. Confirms his Mar. 2; the Spanish Legation's staff, however, may return.	1055
501	Mr. Bryan to Mr. De Oliveira (telegram).	Mar. 4	Political affairs. Informs him of forwarding his 380 to Carranza with earnest representations. Suggests a further means of relief.	655
	Mr. Silliman to Mr. Bryan (telegram).	do	Same subject. The legal adviser of Carranza, Judge Douglas, thinks relief might result from making the capital a neutral zone, but the Constitutionalists would probably reject the idea again, as when proposed by the Conventionists. Suggests strong demand for maintenance of railroad and telegraph communication.	656
383	Mr. De Oliveira to Mr. Bryan (telegram).	do	Same subject. Quotes from speeches by Obregon before merchants at the capital threatening dire consequences if they refuse to pay the special taxes he has imposed.	656
385	Same to same (telegram)	do	Same subject. Reports threats of severe punishment if merchants do not reopen their stores and accept Constitutionalist fiat money.	657
386	Same to same (telegram)	do	Same subject. Reports impending evacuation of the capital by the Constitutionalists, and a second invitation to the Diplomatic Corps to remove to Vera Cruz. Everything indicates intention to avoid responsibility for what may happen to foreigners and Diplomatic Corps.	657
	Mr. Silliman to Mr. Bryan (telegram).	Mar. 5	Same subject. Reply to Department's Mar. 3. Has prepared representations to Carranza in compliance therewith.	658
505	Mr. Bryan to Mr. De Oliveira (telegram).	do	Same subject. Inquires how many foreigners of each nationality are in the capital; instruction to remind Americans of the President's advice to leave Mexico; if evacuation occurs, encourage Mexicans to organize to preserve order.	658
	Mr. Bryan to Mr. Silliman (telegram).	do	Same subject. Instruction to request Carranza to facilitate transportation of supplies to Mexico City.	658

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Bryan to Mr. Silliman (telegram).	Mar. 5	Same subject. Instruction to say to Carranza that the Department is alarmed at interruption of traffic and statements of Obregon to merchants; a very serious condition may be created if harm is done to foreign residents.	659
	Mr. Bryan to Mr. Bevan (telegram).	...do.....	Protection of American oil interests. Reply to his 1263 of Feb. 21; instruction to protest against enforcement of decree mentioned.	885
	Mr. Bevan to Mr. Bryan (telegram).	...do.....	Same subject. Carrancista soldiers threaten to burn all oil wells and stores at Ebano.	885
	Mr. Bryan to Mr. Silliman (telegram).	...do.....	Forced loans. Instruction to report as instructed on Mar. 1. If the corporations mentioned are not included in the annulment, file protest; grounds of protest.	989
	Mr. Bryan to Mr. Davis (telegram).	...do.....	Same subject. Support Americans in protests against forced loans.	989
149	Mr. Bonney to Mr. Bryan	.....	Same subject. Incloses copy of Urbina's demand for a forced loan and his reply thereto.	989
391	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 6	Political affairs. Carranza confirms intended evacuation of Mexico City and issues a third invitation to Diplomatic Corps to move to Vera Cruz, which will be de lined.	659
393	Same to same (telegram)	...do.....	Same subject. Reply to inquiry of Mar. 5 as to number of foreigners. Report on stoppage of railroad communication.	659
508	Mr. Bryan to Mr. De Oliveira (telegram).	...do.....	Same subject. Refers to his 383 and 386 and instructs him to present to Obregon the sense of the appended representations, to the effect that this Government believes the deplorable situation in Mexico City has resulted from wilful acts of Constitutionalists which can not be contemplated with patience any longer, and if Americans suffer thereby this Government will hold General Carranza and General Obregon personally responsible and will take expedient measures to bring to account those responsible for what may occur.	659
	Mr. Bryan to Mr. Silliman (telegram).	...do.....	Same subject. The same instructions as to Mr. De Oliveira, for presentation to Carranza, with the addition that the extraordinary and unpardonable course of Obregon has renewed talk of joint action by several of the chief governments of the world to protect their legations and nationals at Mexico City, and that in pursuing his course Carranza is running a very serious risk.	660
	Mr. Bryan to the Ambassadors of Spain, Brazil, Germany and Great Britain.	...do.....	Same subject. Calls attention to Department's instructions to its representatives in Mexico to the effect that this Government will hold Carranza and Obregon personally responsible for their conduct.	661
	Mr. Canada to Mr. Bryan (telegram).	...do.....	Protection of American oil interests. Quotes Mr. Bevan's Mar. 5.	886
1369	Mr. Bevan to Mr. Bryan	...do.....	Same subject. Incloses copy of a notice concerning oil stamp tax; the oil companies are expecting trouble.	886
	Mr. Bryan to Mr. Davis (telegram).	...do.....	Forced loans. Instruction to protest agains forced loan assessed against Singer Sewing Machine Co.	991
	Mr. Davis to Mr. Bryan (telegram).	...do.....	Same subject. Reply to Department's Mar. 5 and 6; he has been and is protesting against forced loans and advising Americans not to pay except under compulsion.	991
395	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 7	Political affairs. Reports delivery to Obregon of Department's instruction in its 508 of Mar. 6. Obregon refers the matter to Carranza.	661
	Mr. Carothers to Mr. Bryan (telegram).	...do.....	Forced loans. Reports having stayed Guadalajara tax collection pending agreement. Authorities claim it is a State tax, not a forced loan. Will report results later.	992
	Mr. Silliman to Mr. Bryan.	Mar. 8	Political affairs. Reports delivery to Carranza of Department's instruction of Mar. 6. The attitude of the United States is resented; an early reply is promised.	661
	Mr. Llorente to Mr. Bryan.	...do.....	Same subject. Incloses copy of the ratification dated January 18, by President Gonzalez Garza of the Convention, of the appointment of Villa as General in chief of the Convention's forces; copy of a manifesto by General in Chief Villa, dated Jan. 31, giving reasons for his assumption of political power in the zone occupied by his forces; and copy of his decree dated Feb. 2, establishing three administrative departments of his Government.	662

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Bryan to Mr. Silliman (telegram).	Mar. 8	Closure of port of Progreso. Instruction to talk the instruction over fully with Carranza and secure agreement on some plan for export of sisal.	822
	Mr. Bevan to Mr. Bryan	do	Protection of American oil interests. Refers to his 1263 of Feb. 21 and incloses copy of decree extending time to May 1 for filing statements.	886
	Mr. Canada to Mr. Bryan	do	Same subject. Incloses reply of Foreign Office to his protest in pursuance of Department's Jan. 13.	887
	Mr. Davis to Mr. Bryan (telegram).	do	Forced loans. Guadalajara authorities disclaim knowledge of stay of tax collection pending Villa-Carothers interview. Urges immediate decision and notification.	992
1163	Mr. Canada to Mr. Bryan	do	Religious orders. Reply to Department's Jan. 14	1021
1167	Same to same	do	Protection of Spanish interests. Refers to Department's Dec. 18, 1913; incloses two replies of the Foreign Office to his note regarding guaranties to Spanish merchants. The Spanish Minister in Mexico City has instructed the Spanish Consul at Vera Cruz to request Mr. Canada's cooperation.	1037
398	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 9	Political affairs. Starvation in Mexico City is worse than ever owing to stoppage of traffic; suggests taking up with Carranza the neutralization of the railway to Vera Cruz.	665
404	Same to same	do	Same subject. Transmits communication by a committee of American citizens explaining why Americans generally can not leave the capital as advised by the President and requesting that their statement be made public.	665
	Mr. Silliman to Mr. Bryan (telegram).	do	Closure of port of Progreso. Presents the plan for export offered by the Mexican Secretary of the Treasury.	822
	Mr. Bryan to Mr. Silliman (telegram).	do	Protection of American oil interests. Instruct to see Mr. Canada's Mar. 6 and protest against threatened destruction.	887
	Mr. Bryan to Mr. Davis (telegram).	do	Forced loans. Reply to his Mar. 8; quotes Mr. Carother's Mar. 7.	992
	Mr. Silliman to Mr. Bryan (telegram).	Mar. 10	Political affairs. Transmits reply of Carranza to the Department's representations of Mar. 6. It denies the charges made against Obregon, asserts that foreigners are protected, and urges departure of foreigners.	666
	Same to same (telegram)	do	Same subject. Carranza says he does not understand the Department's position in having representations made in the interest of other nationals than those of the United States when they have their own representatives in the persons of their consular officers at Vera Cruz; he is ready to receive such representations through his Foreign Office.	668
	Mr. Bryan to Mr. Silliman (telegram).	do	Closure of port of Progreso. Accepts the Mexican plan, with additional suggestions.	823
	Mr. Silliman to Mr. Bryan (telegram).	do	Protection of American oil interests. Reports compliance with Department's Mar. 9.	887
	Mr. Morgenthau to Mr. Bryan.	do	Protection of Turkish interests. Incloses copy of a note verbale from the Foreign Office relating to American protection of Turkish interests in Mexico.	1075
410	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 11	Political affairs. Mexico City evacuated by Obregon Mar. 10; Municipal Council in authority.	668
	Mr. Bryan to Mr. Silliman (telegram).	do	Same subject. Transmits reply of the President to Carranza's note of Mar. 9 transmitted by Mr. Silliman on Mar. 10. "To speak less plainly or with less earnestness would be to conceal from you a terrible risk which no lover of Mexico should wish to run."	668
411	Mr. De Oliveira to Mr. Bryan (telegram).	do	Same subject. Reports occupation of Mexico City by Zapatistas, who promise to bring in supplies and afford protection to foreigners. Relates brutal acts of Zapatistas in contrast with such assurances.	669
	Mr. Bryan to Mr. Silliman (telegram).	do	Same subject. Reply to his Mar. 10 relating to representation by this Government of foreigners other than Americans. Instructs him that if such efforts provoke protest from Carranza it is better to make them through local representatives of their nations; he will, however, assist these in any way possible.	669
	Mr. Bryan to the Ambassadors of Spain, Russia, France, Germany and Great Britain.	do	Same subject. Transmits copy of the foregoing, for his information.	670
	Mr. Bryan to Mr. Silliman (telegram).	do	Closure of port of Progreso. Informs him of complications in the plan.	823

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
547	Mr. Davis to Mr. Bryan	Mar. 11	Forced loans. Reports in detail concerning Government Nedina's decree No. 62 of Mar. 1 and the delay of its enforcement obtained.	992
286	Mr. Bryan to Mr. Blocker	do	Protection of French interests. Approves his action as reported in his Feb. 18.	1061
	Mr. Silliman to Mr. Bryan (telegram).	Mar. 12	Political affairs. Reports delivery of the President's note to Carranza, reading it to him at his request. There was no comment whatever.	670
535	Mr. Bryan to Mr. De Oliveira (telegram).	do	Same subject. Transmits message to the American committee in response to their communication of Mar. 9 assuring them that this Government is doing everything possible for their relief, and calling attention to Carranza's approval of the President's advice to Americans temporarily to remove to a place of safety. The President thinks it not advisable to make their communication public.	670
	Mr. Silliman to Mr. Bryan (telegram).	do	Same subject He will give his best efforts to carrying out the plan proposed in Department's Mar. 11.	671
	Mr. Bryan to Mr. Silliman (telegram).	do	Same subject. Recites atrocities committed by Constitutionalists and instructs to ask Carranza what action he purposes to take.	671
	Mr. Silliman to Mr. Bryan (telegram).	do	Closure of port of Progreso. Blockade not effective for some days. Carranza determined to keep the port closed.	823
710	Mr. Bryan to Mr. Shanklin.	do	Taxation. Reply to his Feb. 17; under generally accepted rules of international law American citizens are entitled to pay taxes on their property in Mexico to persons in de facto authority; in determining who these are, said citizens would do well to consider local control of the territory in which their property is located.	964
	The Archbishop of Mexico to Mr. Bryan.	do	Religious orders. Informs him of outrages upon nuns and priests. Remarks as to Vicar General Paredes.	1022
544	Mr. Bryan to Mr. De Oliveira (telegram).	Mar. 13	Political affairs. If any Americans wish to leave Mexico City, he is instructed to arrange with authorities for their transportation; the Department is asking Carranza's cooperation in shipment of supplies and transportation of foreigners.	671
	Mr. Bryan to Mr. Silliman (telegram).	do	Closure of port of Progreso. Instruction to request of Carranza the recall of his order blockading the port of Progreso; if not recalled, will feel constrained to instruct our naval officers prevent interference with our commerce there.	824
117	Mr. Bryan to Mr. Bonney	do	Forced loans. Approves the action reported in his 149.	993
	Mr. Bryan to Mr. Carothers (telegram).	do	Same subject. Instruction to protest against 30,000 pesos assessment on El Favor Mining Co.	993
	Same to same (telegram)	do	Same subject. Instruction to support German Consul's protest against extraordinary tax on German colony, Guadalajara, amounting to 150,000 pesos.	993
6	Mr. Coen to Mr. Bryan	do	Religious orders. Reply to Department's Jan. 14	1023
56	Mr. Willard to Mr. Bryan (telegram).	do	Expulsion of the Spanish Minister. He is informed that the Spanish Government has accepted the Mexican explanation in regard to the Caso incident and will send a confidential agent to Mexico.	1056
	Mr. Garrett to Mr. Bryan (telegram).	Mar. 14	Transportation of wounded Mexican soldiers through United States territory. Transmits request therefor made by Gen. Ricaut.	825
	Mr. Silliman to Mr. Bryan (telegram).	Mar. 15	Closure of port of Progreso. Carranza will recall his order.	824
337	Mr. Guyant to Mr. Bryan	do	Taxation. Reports illegal taxation by Ensenada local government, under Col. Cantú, with threats of confiscation. He has advised Americans to pay under protest.	964
	Mr. Bryan to Mr. Carothers (telegram).	do	Forced loans. Request Villa to order suspension of special tax imposed on German colony Guadalajara.	994
	Mr. Carothers to Mr. Bryan (telegram).	do	Same subject. Forced loan in State of Jalisco held up indefinitely.	994
	Mr. Hanna to Mr. Bryan (telegram).	do	Same subject. Villa has ordered a fine of a million pesos on Monterey Chamber of Commerce; desires instruction.	994
57	Mr. Willard to Mr. Bryan (telegram).	do	Expulsion of the Spanish Minister. The Spanish Minister of State says the Caso incident may be considered closed.	1056
	Mr. Silliman to Mr. Bryan (telegram).	Mar. 16	Closure of port of Progreso. Remarks upon the terms "closed port and open port" and "blockade." Carranza draws parallel between this case and the blockade at New Orleans.	824 824

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
366	Mr. Simpich to Mr. Bryan.	Mar. 16	Protection of Chinese interests. Visit of Chinese delegation to Consulate seeking the aid of American Government.	1088
	Mr. Hohler to Mr. Spring Rice (telegram).	Mar. 17	Political affairs. The Minister for Foreign Affairs of the Conventionist Government states that he is prepared to consider neutralization of the railways.	672
	Mr. Silliman to Mr. Bryan (telegram).	---do-----	Expulsion of the Spanish Minister. Refers to Department's Feb. 16 and his Mar. 3; the Foreign Office trusts that the Department will not insist on a reconsideration of the Caso incident in view of the attitude of the Spanish Government.	1056
	Mr. Bryan to Mr. Ferguson (telegram).	Mar. 18	Transportation of wounded Mexican soldiers through United States territory. Inquires whether the State of Texas agrees to such transportation.	825
	Mr. Silliman to Mr. Bryan (telegram).	---do-----	Protection of American oil interests. Reports repetition to the authorities of Department's instruction of Mar. 9.	887
	Mr. Bryan to Mr. Hanna (telegram).	---do-----	Forced loans. Reply to his Mar. 15. States conditions for protesting.	994
	Mr. Ferguson to Mr. Bryan (telegram).	Mar. 19	Transportation of wounded Mexican soldiers through United States territory. Texas agrees to such transportation.	825
445	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 20	Political affairs. Transmits resolution by mass meeting of Americans, who again request that their communication be made public; statement of intolerable conditions; appeal for protection and relief.	672
	Mr. Silliman to Mr. Bryan (telegram).	---do-----	Same subject. Reply to Department's Mar. 12. The Foreign Office replies to his representations and denies charges made; declares Department is badly informed.	673
	Mr. Bryan to Mr. Garrett (telegram).	---do-----	Transportation of wounded Mexican soldiers through United States territory. General Ricaut's request is granted.	825
	Mr. Bryan to Mr. Garrison (telegram).	---do-----	Same subject. Requests that military authorities at Laredo be instructed to take suitable action in regard to permission granted to General Ricaut.	826
	Mr. Bryan to Father Kelley.	---do-----	Religious orders. Reply to his letter of Feb. 23 to the President.	1024
	Mr. Silliman to Mr. Bryan (telegram).	---do-----	Same subject. Vicar General Paredes has thanked the Department and the Brazilian Minister for protection against Obregon.	1025
	Mr. Bryan to Mr. Carothers (telegram).	---do-----	Protection of Chinese interests. Request immediate issuance of orders adequate protection Chinese citizens and cessation of depredations.	1089
	Mr. Hanna to Mr. Bryan (telegram).	Mar. 21	Forced loans. Refers to Department's Mar. 18; analyzes tax.	995
	Mr. Silliman to Mr. Bryan (telegram).	Mar. 22	Political affairs. Refers to his Mar. 5 and Department's Mar. 3. Reply of Foreign Office to his representations denies all responsibility, vindicates Obregon in everything, reflects on Brazilian Minister and French and German Consuls, and declares no arrangements for opening communication with the capital are possible while it is in hands of the enemy.	674
451	Mr. De Oliveira to Mr. Bryan (telegram).	---do-----	Same subject. Transmits a statement by the International Committee describing the unbearable conditions in Mexico.	674
1174	Mr. Canada to Mr. Bryan.	---do-----	Protection of American oil interests. Reply to Department's Feb. 16.	888
	Mr. Simpich to Mr. Bryan (telegram).	---do-----	Protection of Chinese interests. Representations to Maytorena fruitless. Suggest vigorous representations be made to Villa.	1089
	Mr. Bryan to Mr. Silliman (telegram).	Mar. 23	Political affairs. Mexico City authorities being ready to consider neutralization of the railroads, he is instructed to take up the matter with Carranza.	676
	Mr. Bryan to Mr. Guyant (telegram).	---do-----	Taxation. In addition to the advice as stated in his 337 of Mar. 15, advise Americans to make their protests matters of record if possible and to take receipts.	965
	Mr. Bryan to Mr. Hanna (telegram).	---do-----	Forced loans. States principle on which protest against taxation should be based.	995
	Mr. Bryan to Mr. Carothers (telegram).	---do-----	Protection of Chinese interests. Request Villa to issue sharp personal orders to all his generals in Sonora to end persecution of Chinese.	1090
	Mr. Vasconcelos to Mr. Bryan.	Mar. 24	Political affairs. Incloses his credentials from President Gutierrez and, under instructions, submits a review of the events resulting in the withdrawal of Gutierrez from Mexico City and establishment of his Government in Nuevo Leon; his policy and resources	676

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Bryan to Mr. Silliman (telegram).	1915. Mar. 24	Firing and raids. A situation at Agua Prieta which is likely to spread to Naco and Nogales, menaces the lives of Americans across the line. The Calles-Maytorena agreement has thus far been effective and this Government believes Carranza and Villa are both anxious to keep it so. Instruction to bring the matter to Carranza's attention and thus make it unnecessary for American authorities to take any steps for protection of life and property on the American side.	793
	Mr. Bryan to Mr. Carothers (telegram).	...do.....	Same subject. Instruction identical with the foregoing, for presentation to Villa.	793
	Mr. Breckinridge to Mr. Bryan.	...do.....	Same subject. Quotes orders to General Funston to refrain if possible from use of force pending replies from Villa and Carranza to the representations of the Department of State; and to urge local Mexican officers to observe the agreement of Jan. 11 but to inform them that forcible action will be taken if necessary.	794
329	Mr. Bryan to Mr. Hostetter.	...do.....	Forced loans. Instruction to furnish information on subject of Mr. Phillip's Feb. 25.	995
1398	Mr. Bevan to Mr. Bryan.....	...do.....	Protection of Spanish interests. Reports forced loans imposed on Spaniards. Inquires whether or not the Consulate's seal may be placed on the doors of Spanish shops, as requested by the proprietors.	1037
580	Mr. Bryan to Mr. De Oliveira (telegram).	Mar. 25	Political affairs. Instruction to represent to General Garza the extreme necessity for getting the factions together and forming a government under which the ordinary occupations of life can be resumed.	678
	Mr. Silliman to Mr. Bryan (telegram).	...do.....	Firing and raids. He is assured that immediate orders will be given to avoid the possibility feared, and represented to Carranza's Minister in pursuance of the instruction of Mar. 24.	794
	International Development Co. to Mr. Bryan (telegram).	...do.....	Taxation. Same situation as that reported by Mr. Guyant; requests advice.	965
	Mr. Bryan to the International Development Co. (telegram).	...do.....	Same subject. Same advice as to Mr. Guyant and Mr. Shanklin, Mar. 12 and 23.	966
551	Mr. Davis to Mr. Bryan.....	...do.....	Forced loans. Incloses copy of Medina's decree No. 68 amending No. 62 and increasing the severity of forced loans as to foreigners. Requests instructions.	996
601	Mr. Letcher to Mr. Bryan.....	...do.....	Protection of British interests; estate of W. S. Benton. Refers to Department's 298, Sept. 1, 1914; reports continued occupation of the estate under the Villa decree of Apr. 20, 1914; the manager of the estate requests the Department's aid in behalf of Mrs. Benton.	1030
62	Mr. Bryan to Mr. Kai Fu Shah.	...do.....	Protection of Chinese interests. Refers to telegram of Mar. 18, from Douglas, Ariz., which was left at the Department on Mar 19 by the Counselor of Chinese Legation.	1090
458	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 26	Political affairs. Transmits a statement by the American Colony summarizing conditions in Mexico during the last twelve months: taxation, currency and stamps, courts, mail and telegraph, international protest, and other matters.	678
582	Mr. Bryan to Mr. De Oliveira (telegram)	...do.....	Same subject. Replies to his No. 445 of Mar. 20. This Government is doing everything in its power for the protection of Americans and other foreigners in Mexico City, but is unwilling to increase the difficulties by giving publicity to their resolution.	680
584	Same to same (telegram).....	...do.....	Same subject. Refers to his 380 of Mar. 2. Summarizes Mr. Silliman's Mar. 22.	584
459	Mr. De Oliveira to Mr. Bryan (telegram).	...do.....	Same subject. Refers to Department's 580 and his own 451, and states that President Garza is strongly in favor of neutralization of railways, telegraph, and the Federal District and quotes his public statement on the subject; it now remains to secure Carranza's consent thereto; desires to know the Department's views.	680
786	Mr. Bryan to Mr. Bevan.....	...do.....	Protection of American oil interests. Acknowledges his 1369 of Mar. 6.	888
	Mr. Bryan to Mr. De Oliveira (telegram).	...do.....	Taxation. Instruction to request authorities to advise him of status of Colonel Cantú.	966
	Mr. Bryan to Mr. Guyant (telegram).	...do.....	Same subject. Instruction to report whether Cantú is subject to central authorities, and to ask him how taxes on American-owned property should be paid in Lower California.	966

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	
		1915		
	Mr. Silliman to Mr. Bryan (telegram).	Mar. 26	Religious orders. Repeats open letter to Carranza from Vicar General Paredes and other priests, lamenting the appeal of certain Catholic refugees to a foreign government for protection against Carranza; praise of Carranza.	1025
	Mr. Cobb to Mr. Lansing (telegram).	...do.....	Protection of Chinese interests. Villa has telegraphed instructions to Sonora regarding protection of Chinese citizens.	1090
464	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 27	Political affairs. Refers to Department's 584 and requests further particulars of Carranza's charges against him; praises the Diplomatic Corps.	682
465	Same to same (telegram)...	...do.....	Same subject. It is highly desirable that Carranza immediately accept the neutralization plan set forth in his 459 of Mar. 26 in order to prevent removal of the Convention and President Garza from the capital with its consequent abandonment of the city to Zapatista element alone, who could not resist the Carrancistas.	682
	Mr. Carothers to Mr. Bryan.	...do.....	Firing and raids. Incloses letter to him from Villa protesting against the insistence of this Government on leaving border towns unattacked, at the same time permitting the forces in possession thereof to arm and equip revolutionary forces from the United States. Urges closing every frontier port when blockaded by either belligerent.	795
	Mr. Bryan to Mr. Johnson (telegram).	...do.....	Same subject. Instruction to warn commanders of both factions that operations at Matamoros must be conducted so as not to fire across the border.	796
604	Mr. Letcher to Mr. Bryan...	...do.....	Protection of American mining interests. Incloses copy of Villa's decree No. 5 of Mar. 19 relating to forfeiture of mining properties. Comments on the disastrous results to be expected from it.	893
	Mr. Cobb to Mr. Bryan (telegram).	...do.....	Protection of Chinese interests. Villa has telegraphed that he has issued orders to generals in Sonora to give complete guaranty to all foreigners in that State.	1091
	Mr. Bryan to Mr. Carothers (telegram).	...do.....	Same subject. At request Chinese Legation ask Villa order adequate protection for Chinese residents of Guaymas. Same to American Consul at Hermosillo.	1091
471	Mr. De Oliveira to Mr. Bryan (telegram).	Mar. 29	Political affairs. The Convention has decided to remove to Chihuahua, with President Garza, as apprehended in his 465. It is reported that Zapatistas will try to prevent removal.	682
	Mr. Bryan to Mr. Silliman (telegram).	...do.....	Same subject. Instruction to present to Carranza the neutralization plan proposed by Mr. De Oliveira in his 459, with special emphasis on neutralizing the capital.	683
	Mr. Bryan to Mr. Carothers (telegram).	...do.....	Same subject. Same subject and tenor as above, for presentation to Villa.	683
596	Mr. Bryan to Mr. De Oliveira (telegram).	...do.....	Same subject. The suggestion contained in his 459 has been transmitted to Carranza and Villa with earnest recommendation of its acceptance.	684
	General McCain to General Funston (telegram).	...do.....	Firing and raids. Quotes order to take measures to prevent firing from Brownsville into Matamoros, as requested by the Department of State.	796
599	Mr. Bryan to Mr. De Oliveira (telegram).	Mar. 30	Political affairs. Reply to his 464; quotes telegram to Silliman Mar. 12 and telegrams from Silliman Mar. 20 and 22.	684
	Mr. Silliman to Mr. Bryan (telegram).	...do.....	Same subject. Refers to Department's Mar. 29. Gives reasons for not presenting to Carranza the neutralization plan.	684
	Mr. Garrett to Mr. Bryan (telegram).	...do.....	Transportation of wounded Mexican soldiers through United States territory. General Ricaut has not yet availed himself of the permission granted on Mar. 20, but has 29 wounded whom he now desires to move. Inquires whether, in view of the battle at Matamoros, the permission still holds good.	826
	General Funston to General McCain (telegram).	...do.....	Same subject. He has given orders not to permit such transportation in view of battle at Matamoros and probable attack on Laredo.	826
	Mr. Bryan to Mr. Bevan (telegram).	...do.....	Protection of American oil interests. Instructions for protection of oil properties in case of hostilities.	888
191	Mr. Bryan to Mr. Davis...	...do.....	Forced loans. Reply to his 547 of Mar. 11 concerning Medina's decree No. 62; quotes Mr. Carothers's Mar. 15.	996
	Mr. Hussein to Mr. Bryan...	...do.....	Protection of Turkish interests. Requests protection for Jacob Touche, a Turkish subject.	1076
592	Mr. Alger to Mr. Bryan...	...do.....	Protection of Chinese interests. Owing to feeling existing against Chinese, suggests that it be made known that they are under the protection of the United States.	1091

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Bryan to Mr. Silliman (telegram).	Mar. 31	Political affairs. Instruction to delay presentation of plan to neutralize the capital if immediate action on the railroad's neutralization is likely.	685
	Mr. Arredondo to Mr. Bryan.	...do.....	Firing and raids. Quotes letter to General Calles from Colonel O'Connor, commanding United States troops at Douglas, notifying him of instructions from the Secretary of War to urge compliance with agreement of Jan. 11 and to use force if necessary to protect American life and property at Agua Prieta. In reply, states that Mr. Carranza has instructed General Calles to avoid action dangerous to persons or property on the American side. Calls attention to Maytorena's violation of the agreement of Jan. 11.	797
	Mr. Bryan to Mr. Garrett (telegram).	...do.....	Transportation of wounded Mexican soldiers through United States territory. On account of the situation at Matamoros, the permission for transportation of wounded Mexican soldiers over United States territory, requested by General Ricaut, is withdrawn.	826
175	Mr. Bonney to Mr. Bryan.	...do.....	Taxation. Reports arbitrary taxation of all goods out of San Luis Potosi.	966
341	Mr. Guyant to Mr. Bryan.	...do.....	Same subject. Reply to Department's Mar. 26, explaining Cantú's taxation methods. He has informed Cantú that no action should be taken for forfeiture of American-owned mining titles because of nonpayment of taxes.	967
90	Mr. Bryan to Mr. Schmutz.	Apr. 1	Religious orders. Reply to his 258, Feb. 12; approves his action.	1026
	Mr. Bryan to Mr. Davis (telegram).	Apr. 2	Forced loans. In spite of report of suspension of forced loan decree in Guadalajara a contrary report is received; if verified, protest.	997
	Mr. Bryan to Mr. Carothers (telegram).	...do.....	Same subject and purport ----------	997
482	Mr. De Oliveira to Mr. Bryan (telegram).	Apr. 3	Political affairs. Thanks for Department's 599.....	685
	Mr. Bryan to Mr. Silliman (telegram).	...do.....	Protection of American oil interests. American oil properties destroyed at Ebano; Tampico fields threatened. Instructions to urge Carranza to prevent further damage.	889
	Mr. Guyant to Mr. Bryan.	...do.....	Taxation. He has been advising Americans as instructed in Department's Mar. 23.	968
	Mr. Anthony to Mr. Bryan	...do.....	Same subject. Describes chaotic taxation conditions in Guadalajara.	968
	Mr. Bryan to Mr. Hussein.	...do.....	Protection of Turkish interests. Reply to his Mar. 30; informs him of instruction to Mr. Carothers in regard to Jacob Touche.	1076
	Mr. Silliman to Mr. Bryan (telegram).	Apr. 5	Political affairs. Summarizes the arguments for and against the neutralization of the railroad, and suggests that the railroad be returned to the company for operation. Carranza refuses to agree to neutralization of either the railroad or the capital.	685
	Same to same (telegram)	...do.....	Protection of American oil interests. Great danger to oil wells at Ebano.	889
	Mr. Hanna to Mr. Bryan (telegram).	...do.....	Forced loans. Department's Mar. 18 and 23 have his attention.	997
350	Mr. Bryan to Mr. Letcher.	Apr. 6	Protection of British interests. Reply to his 601, Mar. 25; if so requested, he may cooperate with the British representative to obtain relief for Mrs. Benton.	1031
618	Mr. Bryan to Mr. De Oliveira (telegram).	Apr. 7	Political affairs. Informs him that Carranza refuses to agree to neutralization of either the railroad or the capital.	687
	Mr. Bryan to Mr. Letcher (telegram).	...do.....	Protection of American mining interests. Informs him that Department is instructing Mr. Carothers to protest against application of Villa's decree of Mar. 19 to property of American and other foreigners.	895
	Mr. Bryan to Mr. Carothers (telegram).	...do.....	Same subject. Instruction to protest against Villa's decree of Mar. 19.	895
	Mr. Davis to Mr. Bryan (telegram).	...do.....	Forced loans. Requests attention to his No. 551.....	997
	Mr. Hurst to Mr. Bryan (telegram).	Apr. 8	Extradition of Huerta. The steamer *Antonio Lopez* is due in New York Apr. 12 with Gen. Huerta on board.	827
	Mr. Bryan to Mr. Jusserand.	...do.....	Protection of French interests. Quotes telegram from Admiral Howard reporting the threatened seizure of the *Korrigan III.* As this vessel flies the Mexican flag, the admiral is unable to interfere, and recommends advising the French ambassador.	1061
	Mr. Silliman to Mr. Bryan (telegram).	Apr. 9	Political affairs. Further statement of Constitutionalist objection to neutralization.	687

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
415	Mr. Bevan to Mr. Bryan	Apr. 9	Protection of American oil interests. Acknowledges Department's 786 of Mar. 26. The oil companies will make the next payment direct to Vera Cruz.	890
	Mr. Lansing to Mr. Anthony.	do	Taxation. Reply to his Apr. 3; informs him how to pay his taxes.	969
	Mr. Bryan to Mr. Carothers (telegram).	do	Forced loans. Instruction to give Guadalajara situation his first attention.	998
	Mr. Jusserand to Mr. Bryan.	do	Protection of French interests. Requests that he use his good offices with Carranza to prevent interference with the *Korrigan III* and to obtain the release of the *Korrigan II*.	1061
	Mr. Lansing to Mr. Carothers (telegram).	Apr. 10	Firing and raids. In reply to Villa's letter, quoted in his Mar. 27, inform Villa that the President has no authority to close an American port except in case of insurrection. This Government has not endeavored to prevent Villa from attacking Matamoros or Nuevo Laredo, but has only warned opposing commanders so to conduct warfare as not to menace lives of Americans on American territory. The Carrancista commander has promised to comply.	797
	Mr. Llorente to Mr. Bryan	do	Extradition of Huerta. Protest, on behalf of the Provisional Government of Mexico, against the landing in the United States of General Huerta.	827
	Mr. Lansing to Mr. Carothers (telegram).	do	Protection of American mining interests. Instruction to make further representations to Villa concerning mining decree.	896
16	Mr. Coen to Mr. Bryan	Apr. 11	Same subject. Incloses copy of Villa's decree of Mar. 19 and of a protest against it made by Mr. Harold McLeod Cobb in a letter to Mr. Coen.	896
	Mr. Carothers to Mr. Bryan (telegram).	Apr. 12	Same subject. Explains purpose of Villa's decree of Mar. 19.	899
	Mr. Bryan to Mr. Davis (telegram).	do	Forced loans. Reply to his Apr. 7; instruction to urge upon authorities the discriminatory nature of decree No. 68.	998
	Mr. Bryan to Mr. Jusserand.	do	Protection of French interests. Quotes Admiral Howard's telegram reporting action taken as to the *Korrigan II* and *Korrigan III*.	1062
	Mr. Bryan to Mr. Gregory	Apr. 14	Extradition of Huerta. Transmits copy of Mr. Llorente's Apr. 10 to the Attorney General for his information.	827
	Mr. Bryan to Mr. Carothers (telegram).	Apr. 15	Protection of American mining interests. Instruction to request suspension of Villa decree of Mar. 19 in respect to foreigners.	899
	Mr. Smith to Mr. Bryan	do	Same subject. Incloses copy of Carranza decree of Mar. 1 amending mining law of 1905; asserts the enforcement thereof would result in confiscation.	899
149	Mr. De Oliveira to Mr. Bryan (telegram).	Apr. 16	Murder of John B. McManus. Incloses certain documents pertaining to the indemnity for the death of McManus paid by the Conventionist Government.	866
	Mr. Carothers to Mr. Bryan (telegram).	do	Protection of American mining interests. Villa says new mining law will be suspended till conditions become normal.	901
	Father Kelley to Mr. Bryan.	Apr. 17	Religious orders. Reply to Department's Mar. 20.	1026
	Mr. Bryan to Mr. Silliman (telegram).	do	Protection of French interests. Instruction to consult with the French consul and urge that orders be issued for return of the *Korrigan II* and prevention of seizure of the *Korrigan III*.	1062
	Mr. West to Mr. Bryan (telegram).	Apr. 19	Political affairs. Zapata wishes to send a commission to interview the President and explain the facts and aims, with a view to recognition of the Conventionist Government by the United States.	688
	Mr. Llorente to Mr. Bryan	do	Protection of American mining interests. Memorandum on Decree No. 5 of Mar. 19, 1915.	901
	Mr. Silliman to Mr. Bryan (telegram).	do	Protection of French interests. Reply to Department's Apr. 17; the French Consul has made the proper representation and is awaiting reply.	1063
598	Mr. Bryan to Mr. Morgenthau (telegram).	do	Protection of Turkish interest. Reply to his Mar. 10; suggests that the Turkish Government request another Government to act for it in Mexico in diplomatic matters, since there is no American representative in Mexico.	1076
	Mr. Silliman to Mr. Bryan (telegram).	Apr 20	Protection of American oil interests. Quotes resentful reply of Foreign Office to his representations.	889
347	Mr. Guyant to Mr. Bryan	do	Protection of American mining interests. Reply to Department's 209 of Mar. 3; incloses copy of notice of nullification of mining titles.	902
797	Mr. Bryan to Mr. Bevan	do	Protection of Spanish interests. Reply to his 1398 of Mar. 24; the Department does not desire the Consulate's seal to be placed as desired.	1038

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Bryan to Mr. Silliman (telegram).	Apr. 20	Protection of Chinese interests. At request of Chinese Legation ask General Carranza to afford protection to Chinese merchants at Mazatlan.	1092
	Mine and Smelter Operators et al. to Mr. Canova.	Apr. 21	Protection of American mining interests. Operators' statement of the effects of decree No. 5 of Mar. 19 and petition for its repeal.	903
373	Mr. Simpich to Mr. Bryan	...do.....	Protection of Chinese interests. Reports the murder of two Chinese near Ojo de Agua.	1092
	Mr. Bryan to Mr. West (telegram).	Apr. 22	Political affairs. The President can not consistently receive a delegation from Zapata, not having received a delegation from any contending faction; but the Secretary of State would be pleased to receive them.	688
	Mr. Bryan to Mr. Carothers (telegram).	...do.....	Protection of American mining interests. Refers to his Apr. 12 and 16 and instructs him to request repeal of Villa's decree of Mar. 19.	909
	Mr. Carothers to Mr. Bryan.	...do.....	Same subject. Hopes to persuade Villa to restore confiscated property and suspend the decree.	909
	Mr. Bryan to Mr. Alger (telegram).	Apr. 23	Protection of Chinese interests. Silliman instructed to use good offices behalf of Chinese at Mazatlan. Request local authorities refrain from action until Carranza's instructions arrive.	1092
	Mr. Carothers to Mr. Bryan (telegram).	Apr. 26	Protection of American mining interests. Mining decree not yet in effect; it will not be retroactive.	910
	Mr. Bryan to Mr. Silliman (telegram).	...do.....	Taxation. Instruction to inquire of Oaxaca authorities concerning confiscatory taxes levied on Americans.	969
627	Mr. Letcher to Mr. Bryan	Apr. 27	Protection of British interests: Refers to Department's 350, Apr. 6. He has offered his cooperation to the British Vice Consul.	1031
186	Mr. Bryan to Mr. Coen	Apr. 29	Protection of American mining interests. Reply to his No. 16 of Apr. 11.	910
737	Mr. Hostetter to Mr. Bryan.	Apr. 30	Forced loans. Reply to Department's 329 of Mar. 24; reports interview with Sonora authorities as to forced loans on foreigners.	998
	Mr. Shanklin to Mr. Bryan	May 1	Taxation. Acknowledgment of receipt of Department's No. 710 of March 12.	969
	Mr. Silliman to Mr. Bryan.	May 6	Forced loans. Incloses memorandum by Mexican Petroleum Co. on forced loans, raising the question whether or not foreigners should pay forced loans to one or the other of contending factions.	998
	Mr. Lansing to Mr. Hussein.	...do.....	Protection of Turkish interests. Incloses a memorandum on the protection by diplomatic and consular officers of the United States of the interests of citizens or subjects of a third country at places where their own government has no diplomatic or consular representative.	1077
444	Mr. Bryan to Mr. Simpich	...do.....	Protection of Chinese interests. Acknowledges despatch 373 of Apr. 21. Instructs to ask authorities what action they intend to take to remedy such lawless conditions.	1092
	Mr. De Oliveira to Mr. Bryan.	May 7	Political affairs. Transmits an urgent appeal from the American Society and the International Committee for aid from this Government.	689
743	Mr. Hostetter to Mr. Bryan.	...do.....	Forced loans. Corrects details of his 737 of Apr. 30	999
	Sierra Consolidated Mines Co. to Mr. Bryan.	May 8	Protection of American mining interests. Protest against Carranza's decree of Mar. 1.	910
	Mr. Davis to Mr. Bryan	...do.....	Taxation. Incloses correspondence with Guadalajara authorities on second collection of taxes.	970
	Mr. Silliman to Mr. Bryan (telegram).	May 10	Same subject. Reply to Department's Apr. 26; Oaxaca authorities have no information on the matter; Foreign Office requests particulars.	971
553	Mr. De Oliveira to Mr. Bryan (telegram).	May 11	Political affairs. Transmits a message from the Conventionist Government announcing that a commission would soon be in Washington to request recognition.	690
	Mr. Bryan to Mr. De Oliveira (telegram).	May 13	Murder of John B. McMann. Acknowledges the receipt of his No. 149 of Apr. 16, 1915.	870
699	Same to same (telegram)	May 14	Political affairs. The Secretary of State will be pleased to receive the commission referred to in his 553.	690
	Mr. Bryan to Mr. Carothers (telegram).	...do.....	Protection of American mining interests. Instructions regarding the decree of Mar. 19.	911
27	Mr. Coen to Mr. Bryan	May 15	Same subject. Incloses Manuel Bonilla's explanation of Villa's decree No. 5 of Mar. 19; copy of order of Apr. 8, requiring all mining taxes to be paid in gold; statement regarding General Urbina's order of Apr. 14; Villa's decree of May 4, 1915 requiring payment of mine employes in coin.	911
	Mr. Jusserand to Mr. Bryan.	May 16	Protection of French interests. Refers to Department's Feb. 11 and requests further representations regarding the seizure of arms.	1063

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page
		1915.		
	Mr. Bryan to Mr. Carothers (telegram).	May 17	Protection of American mining interests. Instruction to protest against Villa's decree of May 4.	915
	Mr. Bryan to Mr. Silliman.	May 18	Same subject. Quotes from Sierra Consolidated Mines Co.'s letter of May 8 and instructs him to say that this Government does not recognize Carranza's decree of Mar. 1 as having any force outside territory in Carranza's control.	915
	Mr. Bryan to the Sierra Consolidated Mines Co.	---do-----	Same subject. Reply to their May 8----------	916
	Mr. Carothers to Mr. Bryan (telegram).	May 19	Same subject. Reply to Department's May 17; he has been assured no enforcement of the decree will be ordered, especially not against foreigners.	916
	Mr. Bryan to Mr. Phillips.	---do-----	Forced loans. Reply to his Feb. 25. It would be be useless at present to demand a refund of forced loans made by American citizens, who would do well, however, to file with the Department their claims against the Mexican Government; in due time the Department will give such claims careful attention.	1000
	Inde Gold Mining Co. to to Mr. Bryan.	May 20	Protection of American mining interests. Incloses copy of Urbina's decree of Apr. 14.	916
	Mr. Bryan to Mr. Silliman.	---do-----	Forced loans. Reply to his May 6. The Department can not undertake to advise American citizens whether, as a practical matter, they should pay forced loans to de facto authorities; but if such Americans will complain to the Department, this Government's appropriate representatives will be directed to protest against apparently illegal exactions and request their withdrawal.	1000
	Same to same (telegram)	---do-----	Protection of Spanish interests. Instruction to protest to Carranza against the injustice of his objection to a special Spanish representative interceding with Villa in behalf of Spaniards in Villa territory.	1038
574	Mr. De Oliveira to Mr. Bryan (telegram).	May 21	Political affairs. President Garza appeared before the Convention on May 20 and announced that he would resign if the Convention did not act on his recommendations for alleviation of the desperate conditions in the Republic.	690
	Mr. Carothers to Mr. Bryan (telegram).	---do-----	Protection of American mining interests. Reply to Department's May 17; quotes Villa's promises concerning decree of May 4.	917
	Mr. Silliman to Mr. Bryan (telegram).	---do-----	Protection of Spanish interests. Reply to the foregoing. Carranza will not object.	1039
	Mr. Hostetter to Mr. Bryan (telegram).	---do-----	Protection of Chinese interests. Rabble are sacking Chinese stores. Have wired Governor for troops.	1093
	Mr. Bryan to Mr. Simpich (telegram).	---do-----	Same subject. Urge Naytorena to take prompt action for protection Chinese interests at Hermosillo.	1093
	Mr. Bryan to Mr. Carothers (telegram).	---do-----	Same subject. Urge upon Villa the necessity for prompt action in protecting Chinese interests at Hermosillo.	1093
577	Mr. De Oliveira to Mr. Bryan (telegram).	May 22	Political affairs. The northern delegates withdrew from the Convention after a stormy session May 21, but returned to protest. Zapata ordered headquarters of the Army of the South to be removed to Morelos.	691
	Mr. Silliman to Mr. Bryan (telegram).	---do-----	Same subject. Probable defections from Zapata to Garza; both Zapatistas and Carrancistas hate Garza, whose life appears to be in danger.	691
	Mr. Brophy to Mr. Bryan.	---do-----	Taxation. Protest against Cantú's taxation methods in Lower California.	971
617	Mr. Alger to Mr. Bryan---	---do----	Protection of Spanish interests. Incloses copy of municipal decree of Mazatlan of May 19 against which he has protested; it expropriates the city's waterworks and does not profess to be legal.	1039
721	Mr. Bryan to Mr. De Oliveira (telegram).	May 24	Political affairs. Instruction to encourage such views as those of Garza as reported in his 574.	692
	Mr. Bryan to Mr. Coen----	---do-----	Protection of American mining interests. Reply to his May 15; quotes Mr. Carothers' May 21.	917
	Mr. Alger to Mr. Bryan---	May 25	Protection of Spanish interests. His protest disregarded confiscation of the electric company expected.	1040
1491	Mr. Bryan to Mr. Jusserand.	May 27	Protection of French interests. Reply to his May 16; before taking action the Department would like to know what instructions have been given to the French Consul.	1063
	Mr. Bryan to Mr. Silliman (telegram).	May 28	Taxation. Instruction to represent to Carranza the taxation situation in Guadalajara, and request immediate cessation of second collection of the same tax.	972
	Mr. Bryan to Mr. Davis (telegram).	---do-----	Same subject. Informs him of the instructions of this date to Mr. Silliman.	972

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Llorente to Mr. Bryan	1915. May 29	Political affairs. Transmits a decree by Villa relating to the alienation of real and personal property of certain persons concerned in the coup d'état of Feb., 1913, and more lately in the fomentation of rebellion against the authority of the Provisional [Conventionist] Government.	692
	Mr. Bryan to Mr. Brophy (telegram).	do	Taxation. Reply to his May 22; he is apparently entitled to pay tax to Villa Government; if so paid, the Department would endeavor to protect him against confiscation by Lower California authorities because of nonpayment of taxes to them.	972
	Mr. Bryan to Mr. Silliman (telegram).	do	Protection of Spanish interests. Refers to Mr. Alger's May 22 and 25; at request of Spanish Ambassador instructs him to confer with the Spanish confidential agent in behalf of the water company.	1040
317	Mr. Morgenthau to Mr. Bryan.	May 31	Protection of Turkish interests. Reply to Department's No. 598 of Apr. 19; incloses reply of the Foreign Office to his note based thereon.	1078
	Mr. Alger to Mr. Bryan (telegram).	June 1	Protection of American mining interests. San Dimas American mining companies request Department to arrange to have decree of May 4 regarding payment of miners be suspended till September.	918
	Same to same (telegram)	do	Same subject. Requests instructions in regard to reported decree prohibiting exportation of mine products.	918
312	Mr. Schmutz to Mr. Bryan	do	Protection of Turkish interests. Reports his action in behalf of certain Turkish subjects; he has seen, however, a newspaper notice that the German Consul at San Luis Potosi had been appointed by the Turkish Government in charge of Turkish interests in his district. Inquires whether or not the instruction of Jan. 9 applies.	1079
741	Mr. Bryan to Mr. De Oliveira and all American consuls and other representatives in Mexico (telegram).	June 2	Political affairs. Transmits a public statement by the President stating the policy of this Government toward Mexico and warning the factions that if they can not agree to act together promptly for the relief of their country, this Government will be constrained to decide what means should be employed by it in order to help Mexico save herself and serve her people.	694
	Mr. Bryan to Mr. Silliman (telegram)	do	Protection of American mining interests. Instruction to investigate matter referred to in Mr. Alger's June 1.	918
	Mr. Bryan to Mr. Coen (telegram).	do	Same subject. Instruction concerning request San Dimas American mining companies that he obtain suspension of decree of May 4.	918
600	Mr. De Oliveira to Mr. Bryan (telegram).	June 3	Political affairs. The Department's 741 of June 2 has been delivered to the Foreign Office for transmission to President Garza.	695
	Mr. Coen to Mr. Bryan (telegram).	do	Protection of American mining interests. Immediate enforcement of decree of May 4 is contemplated; San Dimas companies notified.	919
602	Mr. De Oliveira to Mr. Bryan (telegram).	June 4	Political affairs. Transmits reply of Conventionist Foreign Office to the President's statement, which it has submitted to the Convention.	695
	Mr. Silliman to Mr. Bryan (telegram).	do	Same subject. Papers publish President's statement in full without comment; a friendly reply is promised by the Carrancista Foreign Office; prompt occupation of the capital was again assured and all possible protection for foreigners.	696
603	Mr. De Oliveira to Mr. Bryan (telegram).	do	Same subject. Transmits, with request to forward to Carranza and Villa, messages to each from President Garza, exhorting them to consider arrangements for a conference, during an armistice, of all factions.	697
	Mr. Bryan to Mr. Silliman (telegram).	June 5	Same subject. Transmits, with instruction to present immediately to Carranza, the message of President Garza.	698
	Mr Bryan to Mr. Carothers (telegram).	do	Same subject. Transmits, with instruction to present immediately to Villa, the message of President Garza.	698
	Mr. Schmutz to Mr. Bryan	do	Same subject. Report from Aguascalientes of the local attitude toward the President's statement of June 2.	698
	Mr. Alger to Mr. Bryan	do	Same subject. Report from Mazatlan as to the reception of the President's statement.	698
	Mr. Riaño to Mr. Bryan	June 6	Protection of Spanish interests. Quotes telegram from the Spanish Consular Agent at Mazatlan reporting expropriation of the waterworks; requests renewed representations.	1041
	Mr. Bryan to Mr. Silliman (telegram).	June 7	Same subject. Refers to reports from Mazatlan and instructs him to make vigorous protest to Carranza.	1041

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
612	Mr. De Oliveira to Mr. Bryan (telegram).	June 8	Political affairs. Transmits, with request to forward, a telegram from himself to Silliman in which he quotes a message from President Garza to Carranza, renewing the proposal made in his message forwarded in Mr. De Oliveira's 603.	699
	Mr. Riaño to Mr. Bryan	do	Protection of Spanish interests. Quotes telegram reporting forcible seizure of Mazatlan waterworks.	1041
617	Mr. De Oliveira to Mr. Bryan (telegram).	June 9	Political affairs. Reports postponement by the Convention of consideration of the President's statement.	699
619	Same to same (telegram)	do	Same subject. Transmits response to the President's statement made by the American Society of Mexico.	700
621	Same to same (telegram)	do	Same subject. The Convention on June 9 deposed President Garza and elected as his successor Lagos Cházaro, Villista delegate from Chihuahua.	700
	Mr. Lansing to Mr. Riñao	do	Protection of Spanish interests. Reply to his June 8; reports indicate the early restoration of the Mazatlan waterworks to the owners.	1042
623	Mr. De Oliveira to Mr. Bryan (telegram).	June 10	Political affairs. The new Conventionist régime threatens even worse conditions than at present. But Carranza is reported as approaching the city with intention to occupy it.	700
	Mr. Silliman to Mr. Bryan (telegram).	do	Same subject. Refers to Department's June 5 and reports Carranza's thanks and his statement that there is no reply.	701
	Mr. Carothers to Mr. Bryan (telegram).	June 11	Same subject Transmits Villa's reply dated June 10, to the President's statement of June 2.	701
	Same to same (telegram)	do	Same subject. Transmits message from Villa to Garza quoting Villa's reply to the President's statement of June 2; quoting also his communication to Carranza on the subject. Requests its transmission to Garza.	703
770	Mr. Lansing to Mr. De Oliveira (telegram).	do	Same subject. Refers to his 623 of June 10. Instruction to impress on the authorities in control in the capital that harsh measures would create a most unfavorable impression abroad and might retard the efforts to relieve the destitute.	704
	Mr. Arredondo to Mr. Lansing.	June 12	Same subject. Incloses copy of Carranza's "Manifesto to the Nation" dated June 11, containing a statement of the Constitutionalist policy. Request to lay it before the President.	704
	Mr. Guyant to Mr. Lansing	do	Same subject. Reports reception given at Ensenada to the Preisdent's statement of June 2.	707
631	Mr. De Oliveira to Mr. Lansing (telegram).	do	Same subject. Transmits a message from himself to Mr. Silliman, quoting a communication from President Lagos Cházaro to Carranza and requesting its delivery. Lagos Cházaro informs Carranza that he seconds the request of his predecessor, Garza, for an armistice and a conference of the factions.	707
	Mr. Bonney to Mr. Lansing	June 13	Same subject. Reports favorable reception at San Luis Potosi of the President's statement.	708
634	Mr. De Oliveira to Mr. Lansing (telegram).	June 14	Same subject. Reports Carrancista ultimatum to Mexico City authorities threatening attack if the capital is not surrendered. Acts of violence are feared if the request for an armistice is refused by Carrancistas.	708
322	Mr. Schmutz to Mr. Lansing.	June 15	Same subject. Examples of confiscation and other brutalities ordered by Villa.	709
	Mr. Lansing to Mr. Silliman (telegram).	do	Same subject. Instruction to request Carranza to give earnest consideration to request for armistice made by Mexico City authorities.	710
638	Mr. De Oliveira to Mr. Lansing (telegram).	do	Same subject. Transcribes Conventionist proposal of armistice terms.	710
777	Mr. Lansing to Mr. De Oliveira (telegram).	do	Same subject. Transmits message from Villa to Garza, forwarded to the Department in Mr. Carothers's June 11. Instructs him to deliver it to President Lagos Chazato and copy to Garza.	711
642	Mr. De Oliveira to Mr. Lansing (telegram).	do	Same subject. It is the general belief, including the leading diplomats at the capital, that nothing would contribute more to a settlement of factional differences than an immediate formal and effective prohibition by the United States of exportation of arms and ammunition to anybody in Mexico until the end of the trouble.	711
779	Mr. Lansing to Mr. De Oliveira (telegram).	do	Same subject. Informs him of communicating the substance of his 634 to Silliman with instructions to request Carranza's earnest consideration of it; instructs him to do everything possible to obtain a peaceful transfer of the capital to the Carrancistas.	712

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Silliman to Mr. Lansing (telegram).	June 15	Same subject. Department's June 15 presented to Carranza, who thanks Department and says General Pablo Gonzalez has the necessary instructions for deciding on any proposal made by the forces at present holding the capital.	712
322	Mr. Schmutz to Mr. Lansing.	---do----	Protection of Turkish interests. Reports confiscation by Villa of Turkish subject's merchandise. His protest is ignored.	1079
25	Mr. Lansing to Mr. Hussein.	---do----	Same subject. Informs him of the substance of Mr. Schmutz's 312 of June 1.	1080
643	Mr. De Oliveira to Mr. Lansing (telegram).	June 16	Political affairs. Transmits reply of the Conventionist Government to the President's statement of June 2.	712
645	Same to same (telegram)	---do----	Same subject. Reports compliance with the requests contained in Department's 777 and 779.	714
784	Mr. Lansing to Mr. De Oliveira (telegram).	---do----	Same subject. Refers to his 631 of June 12 and informs him that Silliman telegraphs thanks to him for his good offices and says there is no reply to Cházaro.	714
785	Same to same (telegram)	---do----	Same subject. Informs him of substance of Silliman's June 15.	714
	Mr. Lansing to Mr. Arredondo.	June 17	Same subject. Refers to his June 12 and informs him that it has been transmitted to the President.	714
650	Mr. De Oliveira to Mr. Lansing (telegram).	---do----	Same subject. Carrancista general refuses to consider an armistice and a fight will occur when he approaches the city. Conventionists blame this Government for not securing an armistice. Description of what will happen, leaving the capital completely cut off from the world and given up to despair.	715
651	Same to same (telegram)	---do----	Same subject. Confirms his 650	715
	Mr. Lansing to Mr. Silliman (telegram).	June 18	Same subject. Instruction to say to Carranza that this Government is determined to adopt such measures as may be expedient to preserve Mexico, and to intimate that it is within the possibilities to this end that the United States might recognize General Carranza in view of the way things appear to be shaping themselves, but that if he does not go the full length of conciliation and conference with all the principal factions his recognition may be excluded from consideration. Various acts prejudicial to peace seem to be sanctioned by his authority, such as the exportation of supplies from famine-stricken regions.	715
793	Mr. Lansing to Mr. De Oliveira (telegram).	June 19	Same subject. Instruction to make representations to the authorities in Mexico City similar to those sent to Mr. Silliman June 18.	717
	Mr. Lansing to Mr. Silliman (telegram).	---do----	Same subject. Instruction to urge immediately upon Carranza to order General Gonzalez to use great discretion on occupying Mexico City, to avoid killing pacificos and especially to save foreign lives and property.	717
	Mr. Carothers to Mr. Lansing.	---do----	Same subject. Villa's Foreign Office at Chihuahua notifies the Department of the appointment of Lagos Cházaro as President of the Convention.	717
326	Mr. Schmutz to Mr. Lansing.	---do----	Protection of Turkish interests. In the matter reported in his 322 of June 15 Villa refuses to admit his right to represent the Turkish subject, saying the case should be taken up by the consular or diplomatic representative of the Turkish Government. In view of the general instruction of January 9, he requests instruction.	1080
	Mr. Silliman to Mr. Lansing (telegram).	June 21	Political affairs. Department's instructions of June 19 earnestly presented and previous assurances of guaranties by Gonzalez repeated.	718
	Mr. Osborne to Mr. Cobb (telegram).	---do----	Extradition of Huerta. His action approved	829
204	Mr. Osborne to Mr. Davis	---do----	Taxation. Reply to his 557 of May 8	973
226	Mr. Osborne to Mr. Guyant.	---do----	Same subject. Instruction to insist to Cantú that no forfeitures be declared for nonpayment of taxes in Ensenada that have already been paid in Chihuahua.	973
795	Mr. Osborne to Mr. De Oliveira (telegram).	June 22	Political affairs. Informs him of contents of Mr. Silliman's June 21.	718
	Mr. Silliman to Mr. Lansing (telegram).	---do----	Same subject. Refers to Department's June 18 and reports that Carranza replies that under no circumstances will he treat with Zapata or Villa; he does not want a recognition conditioned upon conciliation; in a memorandum he states that proper amnesty will be decreed at the proper time; those taking advantage of it to yield their arms.	718
	Mr. Bonney to Mr. Lansing (telegram).	June 23	Forced loans. Requests action to restrain San Luis Potosi authorities from demanding forced loan.	1001

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Lansing to Mr. Carothers (telegram).	June 24	Same subject. Informs him of San Luis Potosi matter reported June 23 by Mr. Bonney and instructs him to request Villa to make this the occasion for general orders to respect the rights of foreigners.	1001
	Miners' Committee to Mr. Lansing (telegram).	June 25	Protection of American mining interests. Refers to impending enforcement of decree of Mar. 19; requests protection.	919
	Mr. Lansing to Mr. Bonney (telegram).	---do-----	Forced loans. Informs him of instructions of June 24 to Mr. Carothers. Instructs him to protest against threatened confiscation of the Cía Metalúrgica's property.	1001
	Mr. Llorente to Mr. Lansing.	June 26	Political affairs. Informs the Department of the appointment of Lagos Chazaro as President of the Convention, vice Garza, resigned.	719
	Mr. Cobb to Mr. Lansing (telegram).	---do-----	Extradition of Huerta. Huerta is on train due at El Paso June 27, 6.30 a. m.	828
	Mr. Lansing to Mr. Cobb (telegram).	---do-----	Same subject. Instruction to advise immediately and cooperate with El Paso representative of Department of Justice.	828
	Miners' Committee to Mr. Lansing.	---do-----	Protection of American mining interests. Further information concerning expected enforcement of decree of Mar. 19.	919
37	Mr. Hussein to Mr. Lansing.	---do-----	Protection of Turkish interests. Reply to Department's June 15. He has no information regarding the designation of the German Consul at San Luis Potosi; he understands that Turkish interests in all parts of Mexico have been placed in the care of the United States. He will inquire of the German Consul.	1081
	Mr. Canada to Mr. Lansing (telegram).	June 27	Political affairs. Special messenger brings word of defeat of Carranza's forces by Zapatistas at Mexico City, which is entirely cut off and without food.	719
	Mr. Cobb to Mr. Lansing (telegram).	---do-----	Extradition of Huerta. Reports arrest of Huerta and Orozco by an agent of the Department of Justice, the responsibility being assumed by Mr. Cobb.	828
	Same to same (telegram)	---do-----	Same subject. Reports removal of Huerta and Orozco to Fort Bliss on the responsibility of the Department of Justice.	829
	Mr. Bonney to Mr. Lansing (telegram).	June 28	Forced loans. Department's June 25 was effective	1002
637	Mr. Alger to Mr. Lansing	---do-----	Protection of Spanish interests. As the result of his efforts, the Mazatlan water works have been restored to the owners upon an order of the Governor.	1042
	Mr. Osborne to Miners' Committee (telegram).	June 29	Protection of American mining interests. Reply to their June 25.	921
	Mr. Osborne to Mr. Carothers (telegram).	---do-----	Same subject. Instruction to report status of decree of Mar. 19 and of his representations; and to do everything possible to obtain repeal of the decree.	921
	Mr. Smith to Mr. Lansing	---od-----	Taxation. Requests advice as to payment of taxes in Oaxaca.	973
	Mr. Osborne to Mr. Carothers (telegram).	---do-----	Forced loans. Express to Villa Department's appreciation of his prompt action at San Luis Potosi.	1002
290	Mr. Lansing to Mr. Alger	---do-----	Protection of Spanish interests. Approves his action as reported in his 617 of May 22.	1042
	Mr. Silliman to Mr. Lansing.	June 30	Political affairs. Incloses copy of reply to his representations made by Carranza's Foreign Office relating to depredations on property of Americans at various points in the State of Vera Cruz; it concludes with a remark on "the unbecoming tone of the telegrams of the State Department which have called forth this reply."	720
	Mr. Ferguson to Mr. Lansing (telegram).	---do-----	Extradition of Huerta. Transcribes telegram to him from the Governor of Chihuahua requesting the provisional arrest of Huerta as a criminal fugutive charged with murder, etc., and notification of intention to request his extradition; his reply; telegram from Foreign Minister Lombardo in the same sense; his reply. Requests the advice of the Department.	829
	Mr. Cobb to Mr. Lansing (telegram).	---do-----	Same subject. Trial of Huerta et al. postponed to July 12.	830
	Mr. Osborne to Mr. Silliman (telegram).	---do-----	Protection of American mining interests. Instruction to call Carranza's attention to the deplorable status of foreign-owned mining properties, and of rights of foreigners in general.	921
	Same to same (telegram)	---do-----	Taxation. Instruction to repeat to Carranza that according to a generally accepted principle of international law, property owners may pay taxes to de facto authorities, and to insist that local laws in conflict with this principle shall not be allowed to injure American citizens.	974

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Silliman to Mr. Lansing.	June 30	Protection of Turkish interests. Refers to his Feb. 17 and incloses further correspondence on the subject.	1082
	Mr. Arredondo to Mr. Lansing.	July 1	Extradition of Huerta. Application for extradition of Huerta to the Constitutionalist Government and reasons therefor.	830
	Mr. Lessing to Mr. Lansing (telegram).	July 2	Same subject. Application for extradition of Huerta to the Conventionist Government and reasons therefor.	832
	Mr. Breckinridge to Mr. Lansing.	...do.....	Same subject. Information of order to General Funston to prevent Huerta from crossing the boundary into Mexico until further orders.	832
	Mr. Garrett to Mr. Lansing (telegram).	...do.....	Protection of Spanish interests. By order of the military governor of Tamaulipas, a Spanish subject was compelled to give up 19,300 Villista pesos.	1042
	Mr. Lansing to Mr. Jusserand.	...do.....	Protection of French interests. Incloses copy of a dispatch from Mr. Bonney regarding his action in securing the release of Mr. Garcin, a French citizen.	1064
	Mr. Cobb to Mr. Lansing (telegram).	July 3	Extradition of Huerta. After arrest on second complaint Huerta failed to give bond and has been sent to county jail.	833
	Mr. Llorente to Mr. Lansing.	...do.....	Same subject. States, under instructions from the Provisional Government, that General Huerta, if surrendered to the Chihuahua State authorities, will be given a fair and impartial trial by a competent civil tribunal; gives precedent for his extradition.	833
662	Mr. De Oliveira to Mr. Lansing (telegram).	July 4	Political affairs. Transmits letter from the Dean of the Diplomatic Corps summarizing a statement made by the Conventionist Government which, believing that this Government is favoring Carranza, refuses to acknowledge any responsibility for the violence that may result if the capital has to be evacuated; this responsibility is upon Carranza and the United States.	721
	Mr. Cobb to Mr. Lansing (telegram).	July 5	Extradition of Huerta. Huerta expects to give bond on July 6; urges his detention without bond and removal from the border on account of the revolution forming under Huerta's leadership.	833
	Mr. Carothers to Mr. Lansing (telegram).	...do.....	Protection of American mining interests. The decree is practically suspended until the end of the year.	922
	Mr. Lansing to Mr. Silliman (telegram).	July 6	Protection of Spanish interests. Instruction to express to Carranza gratification with the restoration of the Mazatlan water works.	1043
	Mr. Lansing to Mr. Ferguson (telegram).	July 7	Extradition of Huerta. Department considers extradition unwise at this time.	834
	Mr. Jusserand to Mr. Lansing.	...do.....	Protection of French interests. Request that Mr. Bonney be thanked for his action regarding Mr. Garcin.	1064
808	Mr. Lansing to Mr. De Oliveira (telegram).	July 8	Political affairs. Refers to his 662. Department disclaims responsibility for the interpretation put upon this Government's acts by the Conventionists; this Government favors no faction. Quotes the instruction of June 18 sent to Silliman, in part, and Mr. Silliman's reply of the 22d. Carranza's inflexible attitude creates the gravest situation; this Government has used its best efforts for peace but has not been met with cooperation by the Mexicans whom it desires to serve.	721
	Mr. Lansing to Miners' Committee.	...do.....	Protection of American mining interests. Reply to their June 26; refers to Department's June 29.	922
48	Mr. Coen to Mr. Lansing.	...do.....	Protection of French interests. Reports the danger to foreigners in the territory controlled by the Villista officer, General Contreras, illustrated by his threats against a French citizen, M. Chanel.	1065
	Mr. Lansing to Mr. Cobb (telegram).	July 9	Extradition of Huerta. Reply to his July 3 and July 5. Informs him that proceedings in connection with Gen. Huerta are being handled entirely by the Department of Justice.	834
	Mr. Cobb to Mr. Lansing (telegram).	...do.....	Same subject. Huerta has waived preliminary hearing and will be held at Fort Bliss without bond until December term of court at San Antonio.	834
	Mr. Lansing to Mr. Garrett (telegram).	...do.....	Protection of Spanish interests. Reply to his July 2. Unless requested by the Spanish Embassy to take action, the Department would not be justified in acting.	1043

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
26	Mr. Lansing to Mr. Hussein.	July 9	Protection of Turkestan interests. Reply to his June 26. Incloses copy of Mr. Schmutz's 326 of June 19. Inquires whether or not the Turkish Government has any diplomatic or consular representative in Mexico, and requests a statement of its wishes in the case in hand.	1082
	Mr. Silliman to Mr. Lansing (telegram).	July 10	Political affairs. Reports entry of Carrancista troops into the capital.	722
	Mr. Mendez to Mr. Lansing.	---do-----	Same subject. The Minister of Guatemala informs the Secretary of State that in pursuance of conferences with him on July 7 he had written to the President of Guatemala that Mr. Lansing had informed him that the President of the United States authorized him to invite the Ambassadors of Brazil, Chile, and Argentina and the Ministers of Bolivia, Uruguay and Guatemala to an informal conference on the recognition of a government in Mexico, which he had accepted. He incloses copy of this letter and of the reply instructing him unreservedly to cooperate with the Secretary.	723
	Mr. Lansing to Mr. Arredondo.	---do-----	Extradition of Huerta. Reply to his letter of July 1. Owing to the absence of a recognized federal government in Mexico and the well-known conditions existing throughout Mexico, the Department must decline to comply with the request for the extradition of Huerta.	835
	Mr. Lansing to Mr. Lessing.	---do-----	Same subject. Acknowledges receipt of his telegram of July 2.	835
	Mr. Lansing to Mr. Llorente.	---do-----	Same subject. Acknowledges receipt of his letter of July 3.	835
671	Mr. De Oliveira to Mr. Lansing.	July 11	Political affairs. Department's 808 will be communicated to the Diplomatic Corps; as there are no Convention authorities in the city, he requests instructions as to communicating it to them where they are.	723
	Mr. De Pena to Mr. Lansing.	July 12	Same subject. Referring to the invitation mentioned by Mr. Mendez in his July 10, the Minister of Uruguay states that he is authorized by his Government to place himself at the Secretary's service in regard to an international conference on Mexico.	724
	Mr. Osborne to Mr. Smith.	---do-----	Taxation. Reply to his June 29	974
	Mr. Arredondo to Mr. Lansing.	July 13	Political affairs. Incloses copy of telegram from Carranza setting forth his efforts to reestablish civil government in the capital and improve food conditions.	724
672	Mr. De Oliveira to Mr. Lansing.	---do-----	Same subject. General Gonzalez appears to be well intentioned; he has allowed reestablishment of cable service and offered to assist International Relief Committee.	725
	Mr. Lansing to the diplomatic representatives of Argentina, Brazil, Bolivia, Chile, Guatemala, and Uruguay (telegram).	---do-----	Same subject. Owing to present conditions in Mexico, he asks whether they have been authorized by their Governments to participate in a conference on Mexican affairs.	725
	Mr. Hanna to Mr. Lansing (telegram).	---do-----	Protection of American mining interests. Requests Carranza be informed of the confiscatory effect of his decree in many cases.	923
548	Same to same	---do-----	Same subject. Amplifies the foregoing	923
813	Mr. Lansing to Mr. De Oliveira (telegram).	July 14	Political affairs. Reply to his 671; Department's 808 will be delivered to Conventionists by Carothers. Department is gratified at the splendid work done by the Brazilian Minister in the recent crisis in Mexico City.	725
109	Mr. Lansing to Mr. Schmutz.	July 15	Protection of Turkish interests. Reply to his 326 and incloses for his information a copy of Department's note to Mr. Hussein of July 9.	1082
819	Mr. Lansing to Mr. De Oliveira (telegram).	July 16	Political affairs. Reply to his 672; instructs him to say to General Gonzalez that the Department is favorably impressed with his attitude and hopes nothing will deter him from his good purposes; instructs him to inform the General that this statement is being copied to Silliman for Carranza.	725
	Mr. Lansing to Mr. Silliman (telegram).	---do-----	Same subject. Instructs him to say to Carranza that the Department is favorably impressed with General Gonzalez attitude and hopes nothing will deter him therefrom.	726
	Batopilas Mining Co. to Mr. Lansing.	---do-----	Protection of American mining interests. Incloses copy of official notice that enforcement of the decree of Mar. 19 will be postponed to August or later.	924

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Lansing to Mr. Arredondo.	July 17	Political affairs. Acknowledges his letter of July 13	726
677	Mr. De Oliveira to Mr. Lansing (telegram).	July 18	Same subject. Reports evacuation of Mexico City by General Gonzalez under pretext of need for retaking Pachuca. Conditions are every day further away from improvement; he considers the situation hopeless.	726
678	Same to same (telegram)	July 19	Same subject. Zapatistas occupy the city on July 18 and President Cházaro and Conventionist Government are expected. Everything as hopeless as before.	727
827	Mr. Lansing to Mr. De Oliveira (telegram).	July 20	Same subject. Instruction to communicate Department's 808 of July 8 to Conventionists or Villistas if either obtains control of Mexico City.	727
	Mr. Silliman to Mr. Lansing (telegram).	July 21	Same subject. Reasons given by Constitutionalists for withdrawal from Mexico City.	727
	Mr. Llorente to Mr. Lansing.	do	Firing and raids. Calls attention to the capture of Naco by Calles, in direct violation of the agreement of Jan. 11; declares that Maytorena has adhered strictly to this agreement. Suggests that this Government prohibit exportation of munitions of war from the American side of Naco, authority for which is to be found in the act approved Mar. 14, 1912.	798
	Mr. Brown to Mr. Canova	do	Protection of American mining interests. Incloses copy of Carranza's decree of June 19, 1915, extending time for payment of delinquent taxes.	924
	Mr. Haff to Mr. Lansing	do	Taxation. Incloses circulars showing the intention of the Carranza Government to ignore the principles of international law respecting the sufficiency of payment of taxes to de facto authorities. Urges protection of American interests against second collection of the same tax.	975
683	Mr. De Oliveira to Mr. Lansing (telegram).	July 22	Political affairs. Zapatistas who took possession of Mexico City after evacuation are indulging in violence; appeals to President Cházaro at Toluca unavailing; impossible to obtain redress.	727
	Mr. Lansing to Mr. Llorente.	do	Firing and raids. Special attention is being given to the matter set forth in his July 21.	799
	Mr. Lansing to Mr. Silliman (telegram).	do	Same subject. Instruction to urge upon Carranza to direct Calles immediately to withdraw from Naco—a neutral point, as provided in the agreement of Jan. 11—and to desist from his designs upon Nogales; also to inform Calles that he will be held personally responsible for any act dangerous to American citizens at these towns. This Government expects Carranza to act with great promptness in giving these orders to Calles.	799
	Mr. Hanna to Mr. Lansing (telegram).	do	Protection of American mining interests. Urges requesting Carranza to send telegraphic notice of extension of time for tax payments so as to prevent heavy fines.	925
	Mr. Adee to Mr. Silliman (telegram).	July 23	Same subject. Instructs him to present to Carranza the request in Mr. Hanna's July 22.	926
	Mr. Slayden to Mr. Lansing (telegram).	do	Same subject. Requests a vigorous protest against confiscating mining taxes.	926
	Mr. Adee to Mr. Silliman	do	Protection of Turkish interests. Reply to his June 30. Instructs him to use his good offices in behalf of Turkish subjects, saying that he is acting on instructions from the Department as a result of action by the Turkish Government. Further instructs him to protest unofficially against the summary executions mentioned in his Feb. 16 and to make similar protests in the future if there should be danger of such violence.	1083
	Mr. Adee to Mr. Hussein	do	Same subject. In view of the inability of the Brazilian Minister in Mexico to use his good offices in behalf of Turkish subjects, it is suggested that his Government be asked to designate some one else to represent its interests.	1084
	Mr. Breckinridge to General Funston (telegram).	July 24	Firing and raids. Explains the reason for not permitting him to cross the border in using force to protect American life and property on the American side, namely the necessity of retaining at Washington the final discretion in so important a matter.	800
	Mr. Lansing to Mr. Alger	do	Protection of Spanish interests. Commends him for his action as reported in his 637.	1043

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Adee to Mr. Jusserand	July 24	Protection of French interests. Gives the substance of Mr. Coen's 48 of July 8.	1065
	Mr. Kai Fu Shah to Mr. Lansing.	...do....	Protection of Chinese interests. Chinese Minister asks that the nearest American Consul to Cananea be instructed to exercise his good offices in behalf of Chinese there.	1094
690	Mr. De Oliveira to Mr. Lansing (telegram).	July 25	Political affairs. Transmits message from American Society and International Committee describing the chaos in Mexico City and the contempt of those in possession for this Government.	728
	Mr. Lansing to Mr. Da Gama (telegram).	July 26	Same subject. Having now heard definitely from all the countries except Brazil on the subject of an international conference on Mexican affairs, it is desirable to know the disposition of his Government.	729
	Mr. Cobb to Mr. Lansing (telegram).	...do.....	Same subject. Reports the end of hope for voluntary agreement among the factions; Villa's organization about to collapse but Villa remains a menace; recommends an embargo or other method of ending it.	729
	Mr. Silliman to Mr. Lansing (telegram).	...do.....	Firing and raids. The Foreign Secretary informs him that Naco had been evacuated by the military authorities after establishing civil authorities; was not informed as to the movement on Nogales.	800
	Mr. Carothers to Mr. Lansing (telegram).	...do.....	Protection of American mining interests. Villa has attempted to make a forced loan; resistance of Chihuahua mine operators may cause trouble; he has requested Escudero to publish notice of postponement of applying the decree.	926
	Mr. Lansing to Mr. Silliman (telegram).	...do.....	Same subject. Instruction to request of Carranza immediate and material modification of the confiscatory decree of Mar. 1.	927
	Same to same (telegram)	...do.....	Same subject. Same subject and tenor	927
	Mr. Silliman to Mr. Lansing (telegram).	...do.....	Same subject. Reports extension of old tax law for one quarter.	927
	Mr. Lansing to Mr. Silliman (telegram).	July 27	Firing and raids. Refers to his July 26; instructs him to inform the Foreign Office that Calles has outposts six miles from Nogales and indications are that he will attack soon. The site of Nogales is such that any attack would necessarily endanger life and property on the American side. Bring the matter immediately to the attention of the Foreign Office.	800
	Mr. Silliman to Mr Lansing (telegram).	...do.....	Protection of American mining interests. Reply to Deparment's July 26. Government takes the same ground, as to the mining decree of Mar. 1, as in regard to the export taxes.	927
377	Mr. Guyant to Mr. Lansing	...do.....	Taxation. Reports having induced Cantú to reduce taxes in Lower California.	976
	Mr. Lansing to Mr. Simpich (telegram).	...do.....	Protection of Chinese interests. At request of Chinese Legation you are authorized to exercise good offices behalf Chinese citizens at Cananea and other points of your district.	1094
	Mr. Phillips to Mr. Silliman.	July 28	Protection of American mining interests. Incloses copy of Mr. Hanna's dispatch 548 of July 13 and instructs him to bring its contents to the attention of the appropriate authorities, adding that this Government expects modification of the decree of March 1.	928
	Mr. Lansing to Mr. Hanna (telegram).	...do.....	Same subject. Quotes Mr. Silliman's July 26	928
	Mr. Jusserand to Mr. Lansing.	...do.....	Protection of French interests. Reply to Mr. Adee's July 24; requests that Mr. Coen be directed to use his influence to insure the safety of M. Chanel's life and property.	1066
	Mr. Lansing to the Plenipotentiaries of Argentina, Brazil, Bolivia, Chile, Guatemala, and Uruguay (telegram).	July 29	Political affairs. Requests informal conference of the Washington representatives of the conferring powers on August 5.	730
	The Plenipotentiaries to Mr. Lansing (telegram).	...do.....	Same subject. Accept the above invitation	730
692	Mr. De Oliveira to Mr. Lansing (telegram).	...do.....	Same subject. Transmits another appeal from the American Society to this Government for aid and description of the intolerable conditions in Mexico City.	730
693	Same to same (telegram)	...do.....	Same subject. Zapatistas again evacuate the capital; description of chaotic conditions.	731

MEXICO—Continued.

No.	From and to whom.	Date.	Subject	Page.
		1915		
	Mr. Hanna to Mr. Lansing (telegram).	July 29	Protection of American mining interests. Reply to the foregoing. Believes tax collection in gold will not be required.	928
	Mr. Silliman to Mr. Lansing.	...do.....	Same subject. Reply to Department's May 18. Carranza assumes that a product sold for gold should be taxed in gold, but at the instance of Mr. Hanna has agreed to postpone collection in gold until the next quarter.	929
694	Mr. De Oliveira to Mr. Lansing (telegram).	July 30	Political affairs. Zapatistas have evacuated and reoccupied the city three times in five days; the so-called Conventionist Government remains at Toluca inactive and impotent; danger and hopelessness properly describe the state of Mexico City.	732
481	Mr. Adee to Mr. Hanna.....	...do.....	Protection of American mining interests. Reply to his 548 of July 13; incloses copy of instruction of July 23 to Mr. Silliman and quotes Mr. Silliman's July 27.	930
658	Mr. Letcher to Mr. Lansing.	July 31	Same subject. Villa on July 12, requested a loan of $300,000 from the Mine and Smelter Operators Association to be repaid in tax and freight credits. The association declined and now requests the Department's advice as to their proper course in cases of forced loans.	930
	Mr. Kai Fu Shah to Mr. Lansing.	...do.....	Protection of Chinese interests. Chinese Minister requests protection of American Consular and naval officers for Chinese at and near Guaymas.	1094
	Mr. Carothers to Mr. Lansing (telegram).	Aug. 2	Protection of American mining interests. Villa has called a meeting of all mining men in Chihuahua to occur Aug. 9 "to receive proposition of grave import;" failure to attend will be penalized by closing properties.	931
699	Mr. De Oliveira to Mr. Lansing (telegram).	Aug. 3	Political affairs. Carrancistas occupy the capital under General Gonzalez, but the distress remains as acute as ever.	732
	Mr. Lansing to Mr. Taylor (telegram).	...do.....	Protection of Chinese interests. Exercise good offices on behalf Chinese in vicinity of Guaymas.	1095
701	Mr. De Oliveira to Mr. Lansing (telegram).	Aug. 4	Political affairs. Americans will be allowed to retain their arms; the suffering increases.	732
	Mr. Simpich to Mr. Lansing (telegram).	...do.....	Firing and raids. Attack on Nogales has begun. He has given the usual warning as to firing across the line.	801
	Mr. Hanna to Mr. Lansing (telegram).	...do.....	Protection of American mining interests. Reports confusion in the tax collector's office at Monterey, due to obscure instructions.	931
	Same to same (telegram)...	...do.....	Same subject. Forwards statement by foreign and Mexican mine owners protesting against tax collection in gold.	931
	Mr. Lansing to Mr. Coen (telegram).	...do.....	Protection of French interests. Instruction to use his influence to secure respect for Mr. Chanel's life and property.	1066
1516	Mr. Lansing to Mr. Jusserand.	...do.....	Same subject. Reply to his July 28; informs him of the instruction to Mr. Coen.	1067
	Mr. Villa to Messrs. Llorente and Bonilla (telegram).	Aug. 5	Political affairs. Statement of policy of Villa; peace conference not requested nor opposed.	733
	Mr. Carothers to Mr. Lansing (telegram).	...do.....	Firing and raids. General Villa has handed him a message saying that as the Carrancista attack on Nogales was a direct violation of the Calles-Maytorena agreement of Jan. 11, Villa declines any responsibility for what may happen unless this Government forces Carrancistas to respect said agreement.	801
	Mr. Lansing to Mr. Silliman (telegram).	...do.....	Same subject. Instruction to inform Carranza that if there is firing across the line at Nogales, the fire will be returned immediately by the American forces; the action of Calles is in direct violation of the agreement of Jan. 11.	801
	Same to same (telegram)...	...do.....	Protection of American mining interests. Quotes from Mr. Hanna's Aug. 4; instructs to urge sending orders to Monterey tax collector to accept currency.	932
	Mr. Lansing to Mr. Hanna (telegram).	...do.....	Same subject. Reply to his Aug. 4; refers to the foregoing telegram to Mr. Silliman.	932
	Mr. Lansing to Mr. Carothers (telegram).	...do.....	Same subject. Instruction to interview mining men as to the meeting called by Villa for Aug. 9.	932
	Mr. Carothers to Mr. Lansing (telegram).	...do.....	Same subject. He will see Villa as to mining conference.	932
	Mr. Lansing to Mr. Simpich (telegram).	Aug. 6	Firing and raids. Same instructions as the foregoing to Silliman, for presentation to Calles and to Maytorena.	801

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Silliman to Mr. Lansing (telegram).	Aug. 6	Same subject. In reply to Department's Aug. 5, the Foreign Office says Calles has been instructed not to endanger Americans or their interests.	802
	Mine and Smelter Operators to Mr. Lansing (telegram).	...do.....	Protection of American mining interests. Request that representations be made to Villa to forestall any attempt to impose a forced loan.	933
	Mr. Lansing to Mine and Smelter Operators (telegram).	...do.....	Same subject. Suggests keeping in close touch with Mr. Carothers.	933
	Mr. Silliman to Mr. Lansing (telegram).	...do.....	Same subject. Tax collection is to be under old law until Aug. 31.	934
	Mr. Lansing to Mr. Hanna (telegram).	Aug. 7	Same subject. Quotes Mr. Silliman's Aug. 6.....	934
	Mr. Simpich to Mr. Lansing (telegram).	Aug. 8	Firing and raids. In reply to Department's Aug. 6 Calles replies that in the attack on Nogales of Aug. 4 no bullet crossed American territory; his men have orders to prevent injuries on the American side; as to the agreement of Jan. 11, Maytorena's occupation of Naco nullified it. Requests that all representations be made directly to Carranza.	802
	Mr. Lansing to the Plenipotentiaries of the conferring powers.	Aug. 9	Political affairs. Incloses draft of communication to be made to the chiefs of factions, agreed upon at the meeting of the conferees on Aug. 5.	733
	Same to same.....	...do.....	Same subject. Calls a meeting of the Conference for Aug. 11 in New York City and requests their presence.	734
	Mr. Arredondo to Mr. Lansing.	Aug. 10	Same subject. Under instructions from Carranza, he protests against any consideration that may be given at the conferences of the powers of measures that would interfere with the Constitutionalist operations.	734
	Mr. Carothers to Mr. Lansing (telegram).	...do.....	Firing and raids. Villa authorizes General Scott to treat in his name for an armistice of three months in order to open railroads, all troops remaining where they are; Scott to bring Zapata into the conferences and any faction refusing to treat on peace to be cut off from obtaining munitions of war from the United States.	802
	General Funston to War Department.	...do.....	Same subject. As it is impossible when pursuing outlaws to determine whether they are residents of the United States or of Mexico, he deems it his duty to continue using military to capture them.	803
	Mr. Carothers to Mr. Lansing (telegram).	...do.....	Protection of American mining interests. Generals Scott and Villa conferred Aug. 10, and agreed, among other things, on a suspension of the miners' meeting set for Aug. 9.	934
	General Scott to Mr. Lansing (telegram).	...do.....	Same subject. Same subject and tenor.....	935
	Mr. Osborne to Mr. Carothers (telegram).	...do.....	Protection of Spanish interests. Instruction to inform the Spanish Ambassador of any news he may have of the Spanish confidential agent, Zapico, not heard from for a month.	1043
	Mr. Polk to Mr. Letcher..	Aug. 11	Protection of American mining interests. Acknowledges No. 658 of July 31. Immediate notice of any attempt to impose a forced loan upon Mine and Smelter Operators' Association should be given the Department.	935
	Mr. Osborne to Mr. Carothers (telegram).	...do.....	Taxation. Instruction to make earnest endeavor to obtain Villa's withdrawal of confiscatory tax on cotton belonging to Tlahualilo Co. and others.	977
	Mr. Carothers to Mr. Lansing (telegram).	...do.....	Protection of Spanish interests. Señor Zapico arrived at El Paso Aug. 9.	1044
	Mr. Osborne to Mr. Hanna (telegram).	...do.....	Protection of French interests. Instruction to investigate reported kidnapping of Henry Huguet, a French citizen, held for a ransom of $10,000.	1067
	Mr. Carothers to Mr. Lansing (telegram).	Aug. 12	Protection of American mining interests. Convinced Villa of impracticability of enforcing proposed mining decrees. He has agreed to let mining men alone and to discuss with them problem of keeping railroads open. Promises protection.	935
	Mr. Lansing to Mr. Letcher (telegram).	...do.....	Same subject. Informs him of result of Scott-Villa meeting.	936
	Mr. Riaño to Mr. Lansing (telegram).	...do.....	Protection of Spanish interests. Requests that commanders of United States vessels in Mexican waters give refuge in their ships to Spaniards in case of need.	1044

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Lansing to Mr. Parker (telegram).	Aug. 13	Political affairs. Instruction to deliver, translated into Spanish, to General Zapata and all other prominent military and civil authorities in central and southern Mexico whom he can possibly reach, the following message from the Secretary of State, the Ambassadors of Argentina, Brazil, and Chile, and the Ministers of Bolivia, Guatemala, and Uruguay: [Text of a communication, dated Aug. 11, made severally, independently, and unanimously by the seven above-named plenipotentiaries who, believing that if the men directing the armed conflict in Mexico could meet to exchange ideas and determine the fate of their country a satisfactory provisional government might be created, whose first step should be an immediate call to general elections; an adequate meeting place within Mexico should serve as the seat of such a conference. The seven plenipotentiaries offer, upon invitation, to serve as intermediaries for arranging the time, place, and other details of such a conference. They expect a reply to this communication within 10 days after receipt thereof, subject to prorogation for cause.] Further instruction to say to General Zapata that an identical message has been sent to General Villa and his chiefs; to see that the agent at Puebla obtains a copy; and to telegraph dates of deliveries.	735
	Mr. Lansing to Mr. Hanna (telegram).	...do.....	Same subject. Instruction to deliver the above-mentioned message of Aug. 11 to all prominent military and civil authorities in his district, and to repeat to certain consuls for like action.	736
	Mr. Lansing to General Scott (telegram).	...do.....	Firing and raids. Quotes telegram to Consulate General at Monterey instructing to ascertain whether Obregon will meet Scott at Laredo or Tampico in an informal conference regarding welfare of Mexico. Suggests that he may be able to arrange for a conference direct.	803
	Mr. Silliman to Mr. Lansing.	...do.....	Protection of American mining interests. Refers to Department's May 18 and incloses copy of his representation to the Foreign Office and replies thereto.	936
	Mr. Lansing to Mr. Carothers (telegram).	...do.....	Taxation. Continue efforts to have Villa remove confiscatory tax on cotton.	977
	Mr. Lansing to various American Consuls and other representatives in Mexico (telegram).	Aug. 14	Political affairs. Instruction to deliver the above-mentioned message to equivalent authorities in their districts.	737
	Mr. Lansing to all consuls and other representatives of the United States in Mexico.	...do.....	Same subject. Incloses printed text of the above-mentioned message.	737
	Mr. Breckinridge to General Funston (telegram).	Aug. 16	Firing and raids. The President wishes to impress upon him the necessity of the greatest moderation and caution lest his plans for a peaceful solution be nullified by inception of armed conflict on the border.	803
	General Scott to Mr. Lansing (telegram).	Aug. 17	Same subject. He will await at El Paso notification of result of interview of Consul at San Luis Potosi with Obregon and the consequent instructions.	804
	Mr. Lansing to Mr. Garrison.	...do.....	Protection of American mining interests. Incloses copies of letters from Miners' Association in regard to the services of General Scott in preventing Villa from molesting mining men.	938
	Mr. Llorente to Mr. Lansing.	Aug. 19	Political affairs. Communicates Villa's acceptance of the invitation of the plenipotentiaries, contained in the message of Aug. 11, for himself and the Conventionist Government, under date of Aug. 16.	737
	Mr. Lansing to Mr. Riaño.	...do.....	Protection of Spanish interests. His Aug. 12 has been referred to the Secretary of the Navy.	1044
	Mr. Lansing to Mr. Carothers.	Aug. 20	Protection of American mining interests. Incloses copy of a letter from the Miner's Association commending his services at the Scott-Villa meeting.	939
324	Mr. Simpich to Mr. Lansing.	...do.....	Taxation. Reports increasing number of requests for advice as to tax payments; requests instructions.	977
	Mr. Lansing to General Scott (telegram).	Aug. 23	Firing and raids. Consul at San Luis Potosi telegraphs that Obregon asserts he can not go to Tampico or border unless ordered by Carranza.	804
	Mr. Lansing to Mr. Carothers (telegram).	...do.....	Taxation. Instructs to report as to cotton tax.....	978

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Jusserand to Mr. Lansing.	Aug. 23	Protection of French interests. In view of threatened seizure of $5,000,000 worth of cotton consigned to French firms in Mexico, requests appropriate instructions to American customs authorities on the border, as well as an investigation of the facts.	1067
	Mr. Silliman to Mr. Lansing (telegram).	Aug. 24	Political affairs. Transmits Carranza's inquiry whether the message of the plenipotentiaries was communicated on the authority of their Governments or in their private capacities.	738
	Same to same	Aug. 26	Protection of American mining interests. Reply to Department's July 28; refers to his Aug. 6 and 13, concerning the extension of time for payment of mine taxes to Aug. 31.	940
	Mr. Carothers to Mr. Lansing (telegram).	---do----	Taxation. Reply to Department's Aug. 23; impossible to get cotton tax removed.	978
	Mr. Lansing to Mr. Carothers (telegram).	---do----	Protection of French interests. Informs him of the threatened cotton seizure and instructs him to investigate.	1068
	Mr. Silliman to Mr. Lansing.	---do----	Protection of Turkish interests. Incloses copy of his note to the Foreign Office in pursuance of Department's instruction of July 23.	1084
	Mr. Llorente to Mr. Lansing.	Aug. 27	Political affairs. Acceptance of the invitation contained in the message of Aug. 11.	739
	Mr. Cobb to Mr. Lansing	---do----	Protection of British interests. Reports seizure of cattle owned by a cousin of William Benton.	1031
	Mr. Lansing to Mr. Johnson (telegram).	Aug. 28	Firing and raids. Instruction to urge Mexican authorities at Matamoros that as firing from Mexican side on United States troops, especially from a point opposite Mercedes, Texas, has occurred daily since Aug. 22, they should take immediate action to prevent further firing, the matter being sufficiently grave to lead to the most serious consequences.	804
	Mr. Lansing to Mr. Silliman (telegram).	---do----	Same subject. Instructions similar to the foregoing, for presentation to Carranza.	805
	Mr. Silliman to Mr. Lansing (telegram).	---do----	Same subject. Reply to the foregoing. The Foreign Office says strict orders have been given to prevent any disorder on Mexican side, and requests same instructions on American side.	805
	Mr. Puig to Mr. Lansing (telegram).	---do----	Same subject. Reports calling on Matamoros commander and requesting cessation of firing to American side. Was told that everything was being done to that end. Complaint was made, in turn, that there is constant shooting to the Mexican side.	805
	Mr. Robertson to Mr. Lansing (telegram).	---do----	Protection of American mining interests. Mexican authorities are not fulfilling promise made as per Mr. Silliman's telegram quoted in Department's July 28. Requests instructions.	940
75	Mr. Parker to Mr. Lansing.	Aug. 29	Political affairs. Incloses copies of replies of Zapata, Pacheco, Palafox, Baz, and Borrego to the message of Aug. 11; Borrego replies for President Lagos Chazaro.	739
	Mr. Puig to Mr. Lansing (telegram).	---do----	Firing and raids. Commander Matamoros district, Nafarrate, personally assures him he has given strict orders to assist in every way possible to avoid trouble.	806
	General Funston to the War Department (telegram).	Aug. 30	Same subject. Urgently demands more troops; further delay is dangerous.	806
580	Mr. Davis to Mr. Lansing	---do----	Religious orders. Incloses protests to Obregon and Berlanga made by Catholic women, concerning persecutions by Constitutionalists.	1027
	Mr. Lansing to Mr. Robertson (telegram).	Aug. 31	Protection of American mining interests. Suggests that miners await Mr. Silliman's reply to Department's Aug. 31 to him.	940
	Mr. Lansing to Mr. Silliman (telegram).	---do----	Same subject. Instruction to request two months' extension of time to pay taxes under decree of Mar. 1; while reserving all rights under previous protest against the decree.	941
479	Mr. Osborne to Mr Simpich.	---do----	Taxation. Reply to his 324 of Aug. 20	979
	Mr. Lansing to Mr. Jusserand.	---do----	Protection of French interests. Informs him that advices from Mexico show no intention of seizure of cotton.	1068
	Same to same	---do----	Same subject. Henry Huguet has arrived safely at his home.	1068
	Mr. Robinson to Mr. Lansing.	Sept. 1	Political affairs. Incloses a statement by the Government of the State of Oaxaca of its views of the message of Aug. 11.	742

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Arredondo to Mr. Lansing.	1915 Sept. 1	Firing and raids. Complains of firing by American soldiers on the American side at Mexican soldiers on the Mexican side at Matamoros, wounding two.	806
	Mr. Silliman to Mr. Lansing (telegram).	...do.....	Same subject. Refers to Department's Aug. 28, 1 p. m., and his own Aug. 28, 8 p. m. He has received written reply to his representations, stating that orders have been given to refrain from anything that might cause friction with the United States and for punishment of soldiers found disobedient. His Government expects a reciprocal attitude and a redoubling of vigilance to prevent disturbers of peace in Texas from taking refuge on Mexican side.	807
	Same to same (telegram)...	...do.....	Protection of American mining interests. Reply to Department's Aug. 31. Carranza has decreed temporary reductions of taxes and suspension of rates of decree of Mar. 1 until Mar. 1, 1916.	941
	Same to same.....	...do.....	Same subject. Incloses text of decree of Aug. 31, referred to in his telegram of Sept. 1.	941
	Mr. Bevan to Mr. Lansing (telegram).	Sept. 2	Forced loans. General Peláez at Vera Cruz renewed his demand for 50,000 pesos within 72 hours, made upon the Penn-Mex. Fuel Co. On their refusal he closed pumping station and secured 5,600 pesos and work was resumed. The company desires representations to Carranza requesting armed force to protect their interests.	1002
	Mr. Lansing to Mr. Silliman (telegram).	Sept. 3	Political affairs. Refers to his Aug. 24. Instruction to inform Carranza that the Secretary of State is formally authorized by the Ambassadors of Brazil, Argentina, and Chile and the Ministers of Bolivia, Uruguay, and Guatemala to communicate the following: "My signature to the communication of August 11 was in my official capacity." On his own behalf he sends an identical communication.	743
41	Mr. Lansing to Mr. Parker (telegram).	...do.....	Same subject. Instruction to telegraph statement of conditions in Mexico City, number of Americans that have left since arrival of Constitutionalists, status of railway communication with Vera Cruz, probable number of Americans who will leave at once, and attitude of American colony toward him.	744
50	Mr. Parker to Mr. Lansing (telegram).	Sept. 4	Same subject. Reply to Department's 41 of Sept. 3.	744
	Mr. Lansing to Mr. Robertson (telegram).	...do.....	Protection of American mining interests. Quotes Mr. Silliman's Sept. 1.	942
	Mr. Roberston to Mr. Lansing (telegram).	Sept. 5	Same subject. Inquires whether the 4-month period payments specified in the new decree are the rates per annum and are payable in currency.	942
	Mr. Naón to Mr. Lansing..	Sept. 6	Political affairs. Asks when the next conference on Mexican affairs will be held.	745
	Mr. Arredondo to the President.	...do.....	Firing and raids. Incloses copy of a communication to the Secretary of State protesting in behalf of the Carranza Government against insinuations in the American press tending to embroil the border situation and impute to the Carrancista forces participation in border disturbances, whereas the Carranza Government is the first to deplore such a state of affairs.	807
	Mr. Lansing to Mr. Naón..	Sept. 7	Political affairs. The conference is being postponed in expectation of Carranza's reply to the message of Aug. 11.	745
1531	Mr. Lansing to Mr. Jusserand.	...do.....	Protection of French interests. Reply to his Aug. 23 in regard to report of threatened seizure of cotton.	1069
45	Mr. Lansing to Mr. Parker (telegram).	Sept. 9	Political affairs. Reply to his No. 50. The Department is again making representations to Carranza in behalf of the suffering poor of Mexico City.	746
49	Mr. Parker to Mr. Lansing (telegram).	...do.....	Protection of American mining interests. Forwards protest against new decree, made by American Society of Mexico.	943
	Mr. Lansing to Mr. Silliman (telegram).	...do.....	Same subject. Quotes Mr. Robertson's Sept. 5.....	943
	Mr. Lansing to Mr. Carothers (telegram).	...do.....	Forced loans. Refers to Mr. Bevan's Sept. 2 and instructs to request Villa to order Peláez to withdraw demand and cease interfering.	1002

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Mr. Silliman to Mr. Lansing (telegram).	1915. Sept. 10	Political affairs. Transmits reply of Carranza, dated Sept. 10, to the message of Aug. 11 from the plenipotentiaries. Carranza declines to accept the invitation thereby offered; gives his reasons at length; offers, in his turn, an invitation to the plenipotentiaries to confer with him on the border for the purpose of discussing Mexican affairs, solely from the international standpoint and solely to determine whether or not they consider him to be exercising a de facto government with all the attributes for recognition as such and, if so, of recommending to their Governments his recognition in that character.	746
	Mr. Lansing to Mr. Arredondo	---do-----	Firing and raids. Reply to the letter of Sept. 6 addressed to the President. Quotes the substance of telegrams from General Funston and Colonel Bullard giving instances of firing to the American side by Carrancistas.	809
	Mr. Silliman to Mr. Lansing (telegram).	---do-----	Protection of American mining interests. Reply to Department's Sept. 9. The new decree makes gradual increase of rates until Mar. 1, 1916, when rates of superseded decree will be effective; payments to be made in gold or its equivalent.	943
	Mr. Lansing to certain American Consuls (telegram).	Sept. 11	Protection of American interests. Instruction to induce all Americans, and incidentally other foreigners in their districts, to leave Mexico without any delay; directions in case of their personal danger.	837
	Mr. Lansing to Mr. Silliman (telegram).	---do-----	Protection of American mining interests. Quotes Mr. Parker's Sept. 9 and instructs to continue efforts to prevent increase of tax and confiscation of mining properties.	943
	Mr. Lansing to Mr. Parker (telegram).	---do-----	Same subject. Reply to his No. 59 of Sept. 9, of which Mr. Silliman has been informed, with instructions.	944
	Mr. Touche to Mr. Lansing (telegram).	---do-----	Protection of Turkish interests. Requests intervention to protect his property in Chihuahua.	1085
	Mr. Llorente to Mr. Lansing.	Sept. 13	Political affairs. Refutes statements made by Carranza in the reply of Sept. 10, and accuses him of seeking a dictatorship.	748
	Mr. Lansing to the Plenipotentiaries of the powers in conference.	---do-----	Same subject. Calls a meeting of the plenipotentiaries for Sept. 15.	750
	Mr. Da Gama to Mr. Lansing (telegram).	---do-----	Same subject. Can not attend the conference on Sept. 15 on account of illness.	751
	Mr. Garrison to Mr. Lansing.	---do-----	Firing and raids. Incloses copies of instructions which General Funston proposes to give for the suppression of raids, and approval thereof.	810
	Mr. Lansing to Mr. Robertson (telegram).	---do-----	Protection of American mining interests. Reply to his Sept. 5. Quotes Mr. Silliman's Sept. 10.	944
	Mr. Silliman to Mr. Lansing (telegram).	---do-----	Same subject. Reply to Department's Sept. 11; gives the Mexican Government's argument; suggests that miners present their case directly to the Secretary of Hacienda.	944
	Mr. Lansing to Mr. Da Gama (telegram).	Sept. 14	Political affairs. Postpones conference until Sept. 18 and changes the meeting place to New York City.	751
	Mr. Simpich to Mr. Lansing (telegram).	Sept. 15	Firing and raids. Raids by both Villa and Carranza troops into Arizona are increasing, practically without opposition. Urges that military be given more authority, with detachments at more points.	11
	Mr. Llorente to Mr. Lansing.	Sept. 17	Political affairs. Protest of Villista Government against the invitation of Carranza to the plenipotentiaries to confer with him.	751
			Same subject. Lists of replies to the message of Aug. 11, received up to Sept. 18 from military and civil officers of the Carrancista and the Conventionist factions; the former all refer the matter to Carranza, the latter refer it to Villa with the exception of certain acceptances without such reference.	752
	General Funston to Mr. Garrison.	Sept. 17	Firing and raids. Reports firing across border by Carrancista troops opposite Brownsville and return of fire, the Mexican officers trying to make it appear that United States troops fired first.	812
	Mr. Lansing to Messrs. Letcher and Carothers (telegram).	---do-----	Protection of Turkish interests. Instruction to render good offices in behalf of Touche.	1085
	Mr. Lansing to Mr. Touche (telegram).	---do-----	Same subject. Informs him of instructions to Messrs. Letcher and Carothers.	1086

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915. Sept. 18	Political affairs. Stenographic report of the meeting at New York City on Sept. 18 of the plenipotentiaries of the powers in conference; consideration of Carranza's reply of Sept. 10 and of ways and means for determining what course to pursue in respect to selection of a de facto government in Mexico; decision to request statements from the factional leaders of the grounds on which they consider their faction worthy of recognition.	754
	Mr. Silliman to Mr. Lansing.	do	Protection of American mining interests. Incloses copy of memorandum on mining taxes sent him by the Secretary of Hacienda.	945
587	Mr. Davis to Mr. Lansing.	do	Same subject. Requests instructions as to how to advise mine owners regarding taxes.	946
672	Mr. Letcher to Mr. Lansing.	Sept. 19	Protection of Turkish interests. Refers to Department's Sept. 17 and reports his consequent action. Observes that Turkish subjects at Chihuahua are having recourse to the honorary German Consul in cases requiring consular assistance, it being understood that an agreement to this effect now subsists as a result of the Turco-German alliance.	1086
	Mr. Llorente to Mr. Lansing.	Sept. 22	Revolutionary claims. The Conventionist Government of Mexico states that it is incumbent exclusively upon the Federal Congress to acknowledge and order payment of national debts; hence Mr. Carranza lacks authority in the matter, and the Conventionist Government, while admitting the existence of such claims, considers necessary the restoration of constitutional order before Mexico can proceed to examine them.	836
	Mr. Carr to Mr. Simpich.	Sept. 27	Firing and raids. His Sept. 15 has been forwarded to the War Department for appropriate action.	812
	Mr. Stadden to Mr. Lansing (telegram).	Sept. 29	Religious orders. Reports confiscation at Colima of church property.	1028
1527	Mr. Bevan to Mr Lansing.	Sept. 30	Protection of American oil interests. Incloses copy of Carranza's decree of Aug. 14, prohibiting drilling within 30 meters of boundaries of oil properties.	890
	Mr. Polk to Mr. Belt (telegram).	Oct. 1	Firing and raids. Instruction to represent to Carranza the serious nature of an attack made Sept. 23 at Los Pelados in which Carrancista soldiers crossed to American territory, attacked American soldiers and killed and mutilated two of them. This is one of many such atrocities, and as Carranza claims to have authority in that district the responsibility appears to rest upon him.	812
	Mr. Montague to Mr. Lansing (telegram).	do	Protection of Chinese interests. Reports killing and wounding of Chinese. Appeal made to General Calles for protection.	1095
	Mr. Belt to Mr. Lansing (telegram).	Oct. 2	Firing and raids. Instructions of Oct. 1 urgently presented; an early reply is promised.	813
	Mr. Lansing to Mr. Belt (telegram).	do	Protection of Spanish interests. Instruction to request restoration of property of Felipe Muriedos, a Spanish subject.	1044
	Mr. Belt to Mr. Lansing (telegram).	Oct. 3	Firing and raids. Reports delays by Carranza in replying concerning the atrocity at Los Pelados Crossing.	813
	Mr. Lansing to the Plenipotentiaries of the conferring powers.	Oct. 5	Political affairs. Calls a meeting of the plenipotentiaries of the powers in conference for Oct. 9.	762
115	Mr. Parker to Mr. Lansing.	do	Same subject. Transmits message from the American Society of Mexico renewing their request for aid to the distressed citizens of the capital.	762
	Mr. Belt to Mr. Lansing (telegram).	do	Firing and raids. Transmits reply of Carranza in the Los Pelados matter. It states the surprise of Carranza at the contents of the American note, declares he has had no news of the matter, but has ordered an investigation. If the American allegations are found true, he will have the guilty punished. Reiterates his resentment at the Department's assumption that the report is true.	814
	Mr. Lansing to Mr. Llorente.	do	Revolutionary claims. Acknowledgment of his communication of Sept. 22, 1915.	836
	The plenipotentiaries of the conferring powers to Mr. Lansing.	Oct. 6	Political affairs. Accept the invitation to meet on Oct. 9.	763
	Mr. Arredondo to Mr. Lansing.	do	Firing and raids. Carranza instructs him to say that he has no knowledge of the alleged Los Pelados affair and it would be unjust for the Department to presume that he would acquiesce in such acts.	814

MEXICO—Continued.

No	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Lansing to Mr. Arredondo.	Oct. 6	Same subject. Refers to his Sept. 1 and repeats the substance of information from the War Department regarding the attacks from the Mexican side at or near Brownsville on American troops; the latter were not the aggressors in any of the many instances; the Mexican commander at Matamoros has done nothing to stop the attacks.	815
	Mr. Riaño to Mr. Lansing (telegram).	---do-----	Protection of Spanish interests. Requests restoration of certain colleges in Yucatan, property of Spanish subjects.	1044
	Mr. Arredondo to Mr. Lansing.	Oct. 7	Political affairs. Transmits a résumé of the Constitutionalist claims to recognition. Officially states that the Mexican Government will continue to afford guaranties of protection of the lives and properties of foreigners and will satisfy indemnities for damages caused by revolution.	763
	Mr. Llorente to Mr. Lansing.	Oct. 8	Same subject. Transmits a résumé of the Villista claims to recognition.	765
	Mr. Arredondo to Mr. Lansing.	---do-----	Religious orders. States the attitude of the Constitutionalist Government toward the Catholic Church in Mexico.	1028
	Mr. Lansing to Mr. Riaño (telegram).	---do-----	Protection of Spanish interests. Reply to his Oct. 6; appropriate instructions have been sent to Vera Cruz.	1045
	Mr. Lansing to Mr. Belt (telegram).	---do-----	Same subject. Instruction to request of Carranza to order restoration of the Colleges in Yucatan referred to in Mr. Riaño's Oct. 6.	1045
	Mr. Bonney to Mr. Lansing (telegram).	---do-----	Same subject. Requests representations to Carranza as to protection of property of Spanish Vice Consul at San Luis Potosi.	1045
	Mr. Lansing to Mr. McAdoo (telegram).	Oct. 9	Exportation of arms. Requests instruction of customs officers to detain until further notice all shipments of arms for use in Mexico.	780
	Mr. Malburn to Mr. Lansing.	---do-----	Same subject. Quotes instructions sent as requested.	780
	Mr. Lansing to certain American Consuls (telegram).	---do-----	Protection of American interests. Instruction to advise all Americans in their districts to leave for the border. Directions in case of their personal danger.	838
93	Mr. Lansing to Mr. Parker (telegram).	---do-----	Same subject. Same purport	838
	Mr. Lansing to Messrs. Edwards, Carothers, and Cobb (telegram).	---do-----	Same subject. Same purport	838
	Mr. Lansing to Mr. Letcher (telegram).	---do-----	Same subject. Same purport	838
	Mr. Lansing to the principal American Missions in Europe (telegram).	Oct. 11	Political affairs. Informs them that the Secretary of State, the Ambassadors of Argentina, Brazil, and Chile, and the Ministers of Bolivia, Uruguay and Guatemala, in conference on Oct. 9, after careful consideration of the facts, found that the Carrancista party is the only party possessing the essentials for recognition as the de facto government of Mexico, and they have so reported to their respective Governments.	767
	Mr. Bevan to Mr. Lansing (telegram).	Oct. 12	Same subject. Reports General Pelaez in control of the oil fields near Tuxpam; Carranza could drive him out with about a thousand men.	767
	Mr. Calderón to Mr. Lansing.	Oct. 13	Same subject. Informs him that he is authorized by his Government (Bolivia) to recognize Carranza.	767
	Mr. Belt to Mr. Lansing (telegram).	---do-----	Protection of Spanish interests. Reply to Department's Oct. 2. The Foreign Office requests that this and any other cases that may arise involving Spanish subjects be handled through Spanish representative fully accredited before the Constitutionalist Government.	1045
	Mr. Suárez Mujica to Mr. Lansing.	Oct. 14	Political affairs. Informs him that he is authorized by his Government (Chile) to reach an understanding with the other conferees as to the time and form for the recognition of a Mexican Government.	768
	Mr. Da Gama to Mr. Lansing.	Oct. 15	Same subject. Informs him that he is authorized by his Government (Brazil) to proceed in regard to recognition of a government in Mexico.	768
	Mr. Lansing to Mr. Belt (telegram).	Oct. 16	Same subject. Instruction to urge Carranza to take prompt action to put an end to the activities of Pelaez and his lawless bands.	768

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Cobb to Mr. Lansing (telegram).	Oct. 16	Same subject. Urges closing of the ports on the border against Villa and to discontinue making representations to him, in the probability of thereby causing his complete collapse and a turnover all along the line.	769
	Mine & Smelter Operators' to Mr. Lansing (telegram).	...do.....	Protection of American mining interests. Protest against mining taxes.	946
	Mr. Lansing to Mr. Belt (telegram).	...do.....	Protection of Spanish interests. Instruction to make the representations requested in Mr. Bonney's Oct. 8.	1046
	Mr. Crane to the Plenipotentiaries of the powers in conference.	Oct. 18	Political affairs. On behalf of the Secretary of State, calls a meeting of the plenipotentiaries for Oct. 18.	770
	Mr. Blocker to Mr. Lansing (telegram).	...do.....	Protection of French interests. Reports confiscation of coal mines largely French and American owned and requests renewal of protest.	1069
	Mr. Belt to Mr. Lansing (telegram).	Oct. 19	Political affairs. General Carranza does not desire to be considered President but the title "in charge of the Executive Power of the Republic"; he will not call general elections until after municipal elections; other information imparted by Carranza as to his plans.	770
	Mr. Lansing to Mr. Parker; to all American Embassies and Legations throughout the world; and to certain consular officers in Mexico (telegram).	...do.....	Same subject. "This Government to-day recognized the de facto Government of Mexico, of which General Venustiano Carranza is the Chief Executive."	771
	Mr. Lansing to Mr. Arredondo.	...do.....	Same subject. Informs him that the President of the United States takes this opportunity of extending recognition to the de facto Government of Mexico, of which General Venustiano Carranza is the Chief Executive. This Government will be pleased to receive formally a diplomatic representative thereof and to accredit its diplomatic representative thereto. Requests him to inform General Carranza of the foregoing.	771
	Mr. Lansing to the Ministers at Washington of various Latin American Governments.	...do.....	Same subject. Informs them of the recognition of the de facto Government of Mexico of which General Carranza is the Chief Executive. This is informally communicated at the instance of all the members of the Conference.	771
	Mr. Lansing to all European members of the Diplomatic Corps at Washington, the Japanese Ambassador, and the Ministers of China and Siam.	...do.....	Same subject. Informs them of the recognition as above, adding that the American diplomatic representatives at the capitals of their respective Governments have been instructed to advise those Governments of the fact.	772
	----------	...do.....	Same subject. Proclamation prohibiting the exportation of arms and ammunition from the United States to Mexico. Same proclamation, p. 780, exportation of arms.	772
	Mr. Arredondo to Mr. Lansing.	...do.....	Same subject. Informs him that he has transmitted the contents of his note of Oct. 19 to Mr. Carranza.	773
	Mr. Belt to Mr. Lansing (telegram).	...do.....	Same subject. Reports reading notification of recognition to officials of the de facto Government and presenting it in writing to the Secretary of Foreign Relations.	773
	The President to Mr. McAdoo.	...do.....	Exportation of arms. Instructs him, as an exception to the embargo resulting from the foregoing proclamation, to instruct the appropriate officers of the Treasury Department to permit exportation of munitions of war for the use of the recognized de facto Government of Mexico or for industrial or commercial uses, excepting through ports along the international boundary in the States of Chihuahua and Sonora and all the ports in Lower California.	781
	Mr. Lansing to the Mine & Smelter Operators' Association (telegram).	...do.....	Protection of American mining interests. Reply to their Oct. 16.	947
	Mr. Lansing to Mr. Alger (telegram).	...do.....	Protection of Spanish interests. Instruction to request General Dieguez to withdraw demand for 100,000 pesos on the Bank of Mazatlan.	1046
	Mr. Belt to Mr. Lansing (telegram).	Oct. 20	Political affairs. Transmits note from Secretary of Foreign Relations of the de facto Government acknowledging receipt of the notice of recognition; at the first opportunity a diplomatic representative will be accredited to this Government and one from this Government received with pleasure.	774

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Gregory to Mr. Lansing.	Oct. 20	Exportation of arms. Informs him of the action taken in pursuance of the proclamation.	782
	Mr. Belt to Mr. Lansing (telegram).	Oct. 21	Protection of Spanish interests. Reply to Department's Oct. 16; refers to his Oct. 13; the Carranza government desires only direct representations from accredited representatives of foreign governments in the interests of their nationals. "Heretofore the United States has made many of these representations at request of foreign governments."	1046
	Same to same (telegram)	...do	Same subject. Reply to Department's Oct. 8; refers to his Oct. 13 and fifth Oct. 21. Requests general instructions on the point they involve.	1046
	Same to same (telegram)	Oct. 22	Political affairs. Informs him of recognition of the de facto Government of Mexico by the Governments of Argentina, Brazil, Bolivia, Colombia [Chile?], Uruguay, and Guatemala. Guaymas, the last port held by Villa, has been taken by the Government forces.	774
	Mr. Garrison to Mr. Lansing.	...do	Firing and raids. Transmits, with his approval, General Funston's recommendation that strong representations be made immediately to Carranza concerning the bandit bands. If he should not act promptly, the port of Brownsville should be closed and no intercourse across the boundary allowed in that district.	815
109	Mr. Lansing to Mr. Parker (telegram).	Oct. 23	Political affairs. Reply to his 115 of Oct. 5. Department is informed that postal authorities are doing what is possible to forward mail; currency, taxation, and other matters are receiving Department's earnest attention.	774
	Mr. Lansing to Mr. Belt (telegram).	...do	Firing and raids. Instruction immediately to request Carranza to issue positive orders to commander at Matamoros to break up bands of bandits and to arrest De la Rosa.	816
	Mr. Lansing to Mr. Davis (telegram).	...do	Protection of American mining interests. Reply to his 587 of Sept. 18.	947
	Mr. Lansing to Mr. Boney (telegram).	...do	Protection of Spanish interests. Reply to his Oct. 8. The Foreign Office requests representations as to Spanish interests to be made directly by accredited Spanish representatives in Mexico.	1047
	Mr. Lansing to Mr. Riaño and other ambassadors.	...do	Protection of Spanish interests. Informs them that the de facto Government of Mexico has informed the Department's representative that it desires to deal directly with the accredited representatives of foreign governments concerning the interests of their nationals.	1047
	Mr. Polk to Mr. Jusserand.	Oct. 26	Protection of French interests. [The same as to Mr. Riaño on Oct. 23.]	1069
	Mr. Polk to Mr. von Bernstorff.	...do	Protection of German interests. [The same as to Mr. Riaño on Oct. 23.]	1071
	Mr. Ferguson to Mr. Lansing (telegram).	Oct. 27	Firing and raids. Earnestly appeals for action by the Department, urging upon Carranza prompt and vigorous measures with the bandits; border raids increasing and our forces helpless under their present orders.	816
	Mr. Bevan to Mr. Lansing (telegram).	Oct. 28	Political affairs. It is highly probable that the Tuxpam oil fields will be turned over to Carranza as the result of peace negotiations now in progress between General Nafarrate and the Villa leaders Pelaez and Salazar.	775
	Mr. Lansing to Mr. Kai Fu Shah.	...do	Protection of Chinese interests. In matters concerning the interests of foreign governments, de facto Government of Mexico desires to deal directly with accredited representatives of those governments.	1096
	Mr. Lansing to Mr. Hussein.	Oct. 29	Protection of Turkish interests. Reply to his Mar. 30; incloses copy of Mr. Letcher's Sept. 19; requests information as to the desires of his Government regarding American representation in Mexico.	1087
	Mr. Lansing to Mr. Ferguson (telegram).	Oct. 30	Firing and raids. The Department would greatly appreciate cooperation of the Governor of Texas in Brownsville district.	817
	Mr. Silliman to Mr. Lansing (telegram).	...do	Same subject. General Funston is particularly anxious about the Agua Prieta situation as Villa intends attacking the American side.	817
179	Mr. Parker to Mr. Lansing.	...do	Protection of American mining interests. Incloses memorandum on mining tax decree of Mar. 1, approved by the International Association.	947
	Mr. Carothers to Mr. Lansing (telegram).	Oct. 31	Political affairs. Villa to-day received from newspaper men his first information of the recognition of Carranza; he was very indignant, said he would attack Agua Prieta, and has drawn in his troops within a radius of 5 miles.	775

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Belt to Mr. Lansing (telegram).	Nov. 1	Firing and raids. Carranza promises to attend to Brownsville matter; has ordered arrest of De la Rosa and other bandits. Has bad advisers.	818
	Mr. Lansing to Mr. Belt (telegram).	---do-----	Protection of American mining interests. Instruction to discuss with Carranza payment of mining taxes in territory not under his Government's control, and request full protection of American interests.	950
	Same to same (telegram)	---do-----	Taxation. Instruction to ask of Carranza that full protection be given Americans against illegal tax collections.	979
	Mr. Carothers to Mr. Lansing (telegram).	Nov. 2	Firing and raids. Villa has begun attack on Agua Prieta. General Funston conferred with him this morning.	818
	Same to same (telegram)	---do-----	Same subject. Many bullets crossing the line but both sides apparently trying to prevent it.	818
	Mr. Ferguson to Mr. Lansing (telegram).	---do-----	Same subject. Reply to his Oct. 30. Will cooperate.	818
	General Funston to War Department (telegram).	---do-----	Same subject. Agua Prieta can not be seriously attacked without bullets falling on American side, and without authority to cross the border our troops can do nothing to prevent it. Villa's attack is about to be intensified.	819
	Mr. Lansing to Mr. Ferguson (telegram).	Nov. 3	Same subject. Refers to his telegram of Oct. 27 to the President. Informs him of Carranza's promises.	819
	Mr. Lansing to Mr. Gregory.	Nov. 4	Exportation of arms. Requests his ruling as to the applicability of the term "munitions of war," as used in the proclamation, to certain freight cars, coal and cattle.	782
	Mr. Bevan to Mr. Lansing (telegram).	Nov. 5	Political affairs. Refers to his Oct. 28; reports the success of the peace conference and that General Pelaez will remain in command of the Tuxpam district as an officer of the de facto Government.	775
621	Mr. Davis to Mr. Lansing	---do-----	Protection of American mining interests. States the situation of American mine owners.	950
	Mr. Alger to Mr. Lansing (telegram).	---do-----	Protection of Spanish interests. Reports execution of Department's instruction of Oct. 19; favorable action taken by Mexican authorities.	1047
	Mr. Belt to Mr. Lansing (telegram).	Nov. 9	Firing and raids. Foreign Secretary says Carranza will attend to Matamoros situation when he goes there. Arrangements have already been made whereby American and Mexican forces can pursue bandits 15 leagues into the other's territory.	819
151	Mr. Parker to Mr. Lansing (telegram).	Nov. 10	Protection of American mining interests. Requests information as to status of representations concerning taxes.	951
	Mr. Lansing to Mr. Belt (telegram).	Nov. 11	Political affairs. Special Agent Silliman has repeatedly been told by the de facto Government to take up with the Governors of the States in which they occurred various matters brought to the de facto Government's attention. The Department considers that diplomatic representations to political subdivisions are regular only in exceptional cases and that the de facto Government is obliged to entertain and act on representations made to it by this Department, and instructs him so to suggest to General Carranza.	776
129	Mr. Lansing to Mr. Parker (telegram).	---do-----	Same subject. What information have you regarding the activities of Zapata? Keep Department advised of important developments.	776
	Mr. Lansing to Mr. Belt (telegram).	---do-----	Firing and raids. His Nov. 9. This Department has no record of any such arrangement for pursuit of bandits as he mentions. So inform Carranza if he is proceeding on the assumption that there is one.	820
130	Mr. Lansing to Mr. Parker (telegram).	---do-----	Protection of American mining interests. Reply to his Nov. 10. The decree of Aug. 31 is the only result to date of Department's representations.	951
	Mr. McPherson to Mr. Lansing (telegram).	Nov. 13	Protection of American interests. Reports conditions of Guaymas; immediate protection necessary to prevent repetition of atrocities by Indians.	839
	Admiral Winslow to Mr. Daniels (telegram).	---do-----	Same subject. Reports dangers to settlers in Yaqui Valley. Suggests compelling Mexican Government adequately to garrison the valley immediately; as the only alternative, suggests an expeditionary force of his command with discretionary orders to land as required by occasion.	839
	Same to same (telegram)	---do-----	Same subject. He has ordered the commander of the *New Orleans* urgently to request General Dieguez to send an adequate force to protect settlers in the Yaqui Valley.	839

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Daniels to Mr. Lansing (telegram).	Nov. 15	Same subject. Admiral Winslow will not be permitted to land forces at Guaymas; every possible effort should therefore be made to obtain adequate protection from Mexican authorities.	840
	Mr. Lansing to Mr. Silliman (telegram).	---do----	Same subject. American settlers request troops in Yaqui Valley for their protection. Instructs him to request that General Dieguez be ordered to station permanent guards wherever necessary in the valley.	840
155	Mr. Parker to Mr. Lansing (telegram).	Nov. 16	Protection of American mining interests. Forwards protest of International Association and International Mining Association of Mexico against the mine tax decree, with request for renewed representations.	915
	Mr. Glenn to Mr. Lansing.	---do----	Protection of Spanish interests. There is no Spanish representative in Guanajuato; many requests for protection come to him from Spanish subjects, who claim that in other places Spaniards are protected by the United States.	1047
	Mr. Lansing to Mr. Daniels.	Nov. 17	Protection of American interests. Reply to his Nov. 15.	840
	Admiral Winslow to Mr. Daniels (telegram).	---do----	Same subject. Reports raid on Los Mochis; General Dieguez has ordered General Munos to order troops there; but this is insufficient without reliable guaranty from Carranza of strong and permanent force in the Yaqui Valley.	840
	Same to same (telegram)	---do----	Same subject. Further report on conditions at Los Mochis.	841
	Mr. Phillips to Mr. Jusserand.	---do----	Protection of French interests. Informs him of action taken as to the *Korrigan II* and *Korrigan III*.	1070
158	Mr. Parker to Mr. Lansing (telegram).	Nov. 18	Political affairs. Reply to the foregoing. Zapata Convention has undoubtedly split but he has no reliable information. Food conditions temporarily improved; currency and taxation questions sources of severe criticism; railroad service bad.	776
	Mr. Gregory to Mr. Lansing.	---do----	Exportation of arms. Opinion of the Attorney General in reply to the request of Nov. 4.	783
	Admiral Winslow to Mr. Daniels (telegram).	---do----	Protection of American interests. Reports increasingly serious conditions at Los Mochis.	841
133	Mr. Lansing to Mr. Parker (telegram).	---do----	Protection of American mining interests. The Department is sending instructions to Mr. Silliman regarding the subject of his 155 of Nov. 16.	952
	Mr. Lansing to Mr. Silliman (telegram).	---do----	Same subject. Instruction to request reduction of mine tax to suit existing conditions.	952
697	Mr. Alger to Mr. Lansing.	Nov. 19	Protection of American interests. Reports his efforts to secure protection of Mexican Government for Los Mochis.	842
	Mr. Silliman to Mr. Lansing (telegram).	---do----	Same subject. Reply to Department's Nov. 15. Carranza promises proper instructions to Dieguez.	843
	Mr. Lansing to Mr. Silliman (telegram).	-- do----	Same subject. Instruction to urge Carranza immediately to station adequate guard at Los Mochis.	843
	Mr. Haff to Mr. Lansing.	---do----	Taxation. Requests a statement regarding the policy of the Department as to protection of Americans in Mexico from illegal taxation.	980
1347	Mr. Canada to Mr. Lansing.	---do----	Forced loans. Incloses decree confiscating cotton crops in the Laguna district.	1003
	Mr. Lansing to Mr. Daniels.	Nov. 20	Protection of American interests. Requests that Admiral Winslow be instructed to keep the *Annapolis* at Topobolobampo until order has been restored at Los Mochis.	843
	Mr. Belt to Mr. Lansing (telegram).	---do----	Same subject. Refers to Department's Nov. 19 to Silliman. Government promises guard at Los Mochis.	844
	Admiral Winslow to Mr. Daniels (telegram).	---do----	Same subject. Urges greater pressure by the United States on Carranza Government.	844
	Mr. Daniels to Mr. Lansing.	---do----	Same subject. Reply to his Nov. 17; refers to recent correspondence.	844
	Mr. Silliman to Mr. Lansing (telegram).	---do----	Protection of American mining interests. Reply to Department's Nov. 18; mining taxes have been taken up again by wire.	952
	Admiral Winslow to Mr. Daniels (telegram).	Nov. 21	Protection of American interests. Reports still worse conditions at Los Mochis.	845
	Mr. Daniels to Mr. Lansing.	Nov. 22	Same subject. Reply to his Nov. 20	845
	Mr. McPherson to Mr. Lansing (telegram).	---do----	Same subject. Urgent steps should be taken at once to obtain protection for both Yaqui Valley and Los Mochis.	845
	Mr. Lansing to Mr. Simpich (telegram).	---do----	Same subject. Instruction to request General Obregon to order an adequate garrison at Los Mochis permanently.	845

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1815.		
	Mr. Lansing to Mr. Silliman (telegram).	Nov. 22	Same subject. Instruction to urge General Carranza to order an adequate garrison at Los Mochis immediately.	846
	Mr. Garrett to Mr. Lansing (telegram).	---do-----	Same subject. Reply to Department's Nov. 22 to Silliman.	846
	Mr. Lansing to Mr. Garrett (telegram).	---do-----	Same subject. Refers to Department's Nov. 22 to Silliman and instructs him to take the matter up with General Carranza.	846
	Mr. Polk to Mr. Silliman	---do-----	Protection of American mining interests. Refers to his Sept. 18 and instructs him to bring to the attention of the authorities the statements in the inclosed memorandum and to request an early and careful consideration thereof.	953
161	Mr. Parker to Mr. Lansing (telegram).	---do-----	Reports a further increase in mining taxes	954
	Mr. Simpich to Mr. Lansing (telegram).	Nov. 23	Protection of American interests. Reply to Department's Nov. 22; Obregon promises troops for Los Mochis.	847
	Mr. Lansing to Mr. Garrett (telegram).	---do-----	Same subject. Instruction to say to Carranza that this government expects him to permit the landing of an adequate force of American marines to furnish protection to American interests at Los Mochis, if he is unable to send immediately sufficient troops to protect those interests. In view of the permission for passage of Carranza troops across American soil heretofore given there should be no objection to the landing of American marines to protect American interests at Los Mochis.	847
	Mr. Lansing to Mr. Daniels	---do-----	Same subject. Requests that the *Maryland* be equipped for a trip to Topolobampo.	847
	Mr. Garrett to Mr. Lansing (telegram).	---do-----	Same subject. Reply to Department's Nov. 22 and 23; representations made to Carranza.	848
	Same to same (telegram)	---do-----	Same subject. Reports Carranza's reply to Department's Nov. 23; refuses to permit landing of American marines.	848
698	Mr. Alger to Mr. Lansing	---do-----	Same subject. Incloses correspondence with Mexican authorities regarding the sacking of Los Mochis and request for protection.	848
1546	Mr. Bevan to Mr. Lansing	---do-----	Protection of American oil interests. Incloses copy of Carranza's decree of Nov. 15 requiring statements by oil companies to be filed within 60 days under penalty of confiscation of their properties and exclusion from oil business in Mexico.	890
	Mr. Carothers to Mr. Lansing (telegram).	---do-----	Protection of American mining interests. Obregon has advised mining companies in Sonora to resume work, guaranteeing safety of person and property.	954
	Mr. Silliman to Mr. Lansing (telegram).	---do-----	Protection of French interests. Reports that the Coahuila authorities will meet coal company representatives for the purpose of restoring the mines to their owners.	1070
	Same to same (telegram)	Nov. 24	Protection of American interests. Replies to Department's Nov. 22; reports promises made by the government.	850
	Mr. Daniels to Admiral Winslow (telegram).	---do-----	Same subject. Orders expeditionary force sent immediately to Topolobampo.	850
	Mr. Simpich to Mr. Lansing (telegram).	Nov. 26	Firing and raids. Villa troops have opened fire on American soldiers at Nogales. Our troops are returning fire.	820
	Same to same	---do-----	Firing and raids. Nogales occupied by Carrancistas. Order restored.	820
	Mr. Daniels to Mr. Lansing.	---do-----	Protection of American interests. Reply to Department's Nov. 23; notice of order sent Admiral Winslow.	850
141	Mr. Lansing to Mr. Parker (telegram).	---do-----	Same subject. Instruction to urge that General Dieguez send at least 300 troops to Yaqui Valley	851
699	Mr. Alger to Mr. Lansing	---do-----	Same subject. Refers to his No. 698 and incloses further correspondence regarding the situation at Los Mochis.	851
	Mr. Carothers to Mr. Lansing (telegram).	---do-----	Protection of American mining interests. Inquires whether decision can de secured from Carranza before the 30th; and requests opinion as to taxes in Villa territory.	954
	Mr. Polk to Mr. Parker (telegram).	Nov. 27	Same subject. Incloses copy of Mr. Davis' 621 of Nov. 5, with instruction to bring its substance to the attention of the authorities in connection with previous representations, and earnestly continue his efforts to obtain material reductions of mining taxes.	955
145	Same to same	---do-----	Same subject. Refers to his Nov. 22 and instructs him to protest against proposed increase in mining taxes.	955

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
239	Mr. Polk to Mr. Davis	Nov. 27	Same subject. Reply to his 621 of Nov. 5, referring to the instruction to Mr. Parker, of even date.	955
	Mr. Polk to Mr. Carothers (telegram).	do	Same subject. Reply to his Nov. 26. Instruction to inform Americans that Department believes taxes paid in Villa territory should be paid under a protest to be made a matter of record and payment receipted for.	956
	Mr. Lansing to Mr. Silliman.	do	Same subject. Incloses copy of Mr. Parker's Oct. 30 and its inclosure, the latter to be brought to the attention of the authorities.	956
	Mr. Lansing to Mr. Parker	do	Same subject. His Oct. 30 has been copied to Mr. Silliman for presentation to the authorities.	956
	Mr. Polk to Mr. Parker (telegram).	do	Forced loans. Informs him of substance of Mr. Canada's Nov. 19 and instructs him to protest.	1004
	Admiral Winslow to Mr. Daniels (telegram).	Nov. 28	Protection of American interests. Reports looting at Los Mochis.	853
	Same to same (telegram)	Nov. 29	Same subject. Situation in Yaqui Valley dangerous; all possible pressure should be put on General Dieguez to protect settlers.	853
	Mr. Roosevelt to Mr. Lansing.	do	Same subject. Refers to Admiral Winslow's M-3149.	853
	Mr. Arredondo to Mr. Lansing.	do	Same subject. Adequate protection will be given American settlers at Los Mochis.	854
706	Mr. Alger to Mr. Lansing	do	Same subject. Refers to his Nos. 697, 698, and 699 and incloses his reply to General Munos for his protection.	854
	American National Bank to Mr. Lansing (telegram).	do	Taxation. Requests advice as to payment of taxes in Lower California.	981
	Mr. Lansing to American National Bank (telegram).	Nov. 30	Taxation. Reply to his Nov. 29. If Lower California authorities insist on payment, American citizens should pay under protest, making the protest a matter of record if possible, and taking receipts.	982
	Mr. Lansing to Mr. Haff	do	Taxation. Reply to his Nov. 19, stating the Department's attitude toward payment of taxes by American citizens to de facto Mexican authorities.	982
152	Mr. Lansing to Messrs. Parker and Simpich (telegram).	Dec. 1	Protection of American interests. Instruction to urge authorities to give adequate protection at Los Mochis and other points.	854
	Mr. Lansing to Mr. Daniels	Dec. 2	Same subject. Reply to his Nov. 29; incloses Mr. Arredondo's reply.	855
	Mr. Simpich to Mr. Lansing (telegram).	Dec. 3	Same subject. Reply to Department's Dec. 1. Obregon says the desired orders have been given.	855
	Mr. Arredondo to Mr. Lansing.	do	Same subject. Carranza's Government will afford every guaranty at Los Mochis.	855
	Mr. Lansing to Mr. Glenn (telegram).	Dec. 6	Protection of Spanish interests. Reply to his Nov. 16. In the absence of the Spanish Consul, he may exercise informal good offices with local officials in behalf of Spanish subjects, who, however, should be advised to appeal to agents of their Government in Mexico.	1048
175	Mr. Lansing to Mr. Parker (telegram).	Dec. 10	Protection of American interests. Instruction to state the pleasure of this government on learning of prospects of adequate measures by the de facto government.	856
176	Same to same (telegram)	Dec. 11	Same subject. Instruction to urge immediate reinforcements for garrisons in Yaqui Valley.	856
	Admiral Winslow to Mr. Daniels (telegram).	do	Same subject. States dangerous conditions in Yaqui Valley.	856
	Same to same (telegram)	do	Same subject. Forwards copy of telegram to General Dieguez.	857
	Same to same (telegram)	do	Same subject. No answer from General Dieguez; General Munos admits that landing military forces in case of sudden Indian attack would be justified.	857
	Mr. Carothers to Mr. Lansing (telegram).	Dec. 12	Political affairs. A third party movement is very apparent at El Paso, undoubtedly backed by Felix Diaz faction. Several Villista generals are receiving overtures for delivery of Juarez to the new party as its base.	777
179	Mr. Lansing to Mr. Parker (telegram).	do	Protection of American interests. Urge immediate stationing sufficient forces in Yaqui Valley.	858
	Mr. Lansing to Mr. Simpich (telegram).	do	Same subject. Urge immediate stationing sufficient forces in Yaqui Valley.	858
	Mr. Simpich to Mr. Lansing (telegram).	Dec. 13	Same subject. Reply to Department's Dec. 12	858

MEXICO—Continued.

No.	From and to whom.	Date.	Subject	Page.
		1915.		
	Mr. Lansing to Mr. Riaño and other ambassadors.	Dec. 13	Protection of Spanish interests. Representations through the Department's agents in regard to foreign-owned business houses in which little or no American capital is invested will not be acceptable to the de facto government of Mexico, and should be made by the appropriate diplomatic representatives of the countries whose citizens are concerned.	1048
	Mr. Lansing to Mr. Jusserand.	...do.....	Protection of French interests. [The same as to Mr. Riaño on this date.]	1070
	Mr. Lansing to Mr. Simpich (telegram).	Dec. 15	Protection of American interests. Instruction to inform Obregon of necessity of adequate troops in Yaqui Valley.	858
	Mr. Edwards to Mr. Lansing (telegram).	Dec. 17	Political affairs. Transmits copy of a communication to the President from Military Governor Avila of Chihuahua informing him that General Villa has agreed to leave the country on the understanding that the President will extend full guaranties to him.	777
	Mr. Cobb to Mr. Lansing (telegram).	Dec. 18	Same subject. Transmits copies of telegrams exchanged between Governor Avila and General Obregon, the latter informing the Governor that Villa is outlawed; the unconditional surrender of other Villistà officers will be accepted. States that Villa is presumed to be on his way to the United States and that request will be made for permission for certain officers to cross the border for conference; this will be referred to General Pershing if made.	778
	Mr. Carothers to Mr. Lansing (telegram).	Dec. 19	Same subject. Surrender of State of Chihuahua by Villistas is being considered in conference with Carranza authorities. Villa will probably accept offer of refuge.	778
	Mr. Cobb to Mr. Lansing (telegram).	...do.....	Same subject. Villista and Carranza officials have agreed in conference that amnesty be granted all Villa forces, who should declare allegiance to de facto Government. No amnesty asked for Villa.	778
	Same to same (telegram)...	Dec. 20	Same subject. Amnesty agreement now signed and turnover expected soon. Villa left Chihuahua to-day with 800 men, destination unknown.	779
	Mr. Simpich to Mr. Lansing (telegram).	Dec. 21	Same subject. General Obregon requests permission to pass through the United States to El Paso.	779
	Mr. Lansing to Mr. Simpich (telegram).	...do.....	Same subject. General Obregon is authorized as requested, provided he travels as a civilian and unarmed. So inform Federal authorities on the border.	779
	General Barnum to War Department (telegram).	...do.....	Firing and raids. Mexicans deliberately fired across boundary killing one man. Our troops have orders to return any deliberate firing from Mexican side.	820
	Mr. Simpich to Mr. Lansing (telegram).	...do.....	Protection of American interests. Recommends vigorous representations to Carranza in regard to Obregon's failure as to troops in Yaqui Valley.	859
	Admiral Winslow to Mr. Daniels (telegram).	...do.....	Same subject. Reports trouble in Yaqui Valley. Requests instructions in regards to landing troops.	859
	Same to same (telegram)...	...do.....	Same subject. Further reports concerning Mexican military situation in Yaqui Valley.	860
	Mr. Daniels to Admiral Winslow (telegram).	...do.....	Same subject. Troops will not be landed without instructions from the Department.	860
	Admiral Winslow to Mr. Daniels (telegram).	...do.....	Same subject. Further reports on Yaqui Valley situation.	860
	Same to same (telegram)...	Dec. 22	Same subject. Encouraging report concerning Obregon and the Yaqui Valley situation.	861
	Mr. Simpich to Mr. Lansing (telegram).	...do.....	Same subject. Reports Mexican military movements against Yaquis.	861
875	General Funston to the Adjutant General (telegram).	...do.....	Same subject. Reports concerning movements of Obregon's Army.	861
790	Mr. Hostetter to Mr. Lansing (telegram).	...do.....	Same subject. General assures him that Sonora will soon have no Yaqui question.	861
	Mr. Neale to Mr. Lansing..	...do.....	Protection of American mining interests. Argument against mining laws in behalf of the American Smelting & Refining Co.	957
197	Mr. Parker to Mr. Lansing (telegram).	...do.....	Taxation. Requests advice as to whether Americans should pay tax to the Oaxaca local authorities o to the central government.	982
	Mr. Lux to Mr. Lansing (telegram).	...do.....	Protection of Spanish interests. Reports request of the Spanish Consul at Vera Cruz for admission of four Spaniards to refuge on American war vessels.	1049
193	Mr. Lansing to Mr. Parker (telegram).	Dec. 24	Taxation. Refers to his 197; reiterates the Department's policy as to payment of taxes to de facto authorities.	983

MEXICO—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
	Mr. Cobb to Mr. Lansing (telegram).	Dec. 27	Political affairs. General Obregon to-day mustering out former Villa soldiers in Juarez, with apparent entire success.	779
	Mr. Neale to Mr. Lansing.	---do----	Protection of American mining interests. Requests that Department obtain from Mr. Arredondo an opinion as to the present status of the mining tax.	958
	Mr. Loeb to Mr. Lansing.	---do----	Same subject. Incloses petition of Mine & Smelter Operators petition for abrogation of mining tax decrees of 1915.	959
	Mr. Daniels to Mr. Lansing (telegram).	Dec. 28	Protection of American interests. Incloses copy of a report of operations of the Pacific Fleet in Mexican waters.	862
	Mr. Lansing to Mr. Silliman (telegram).	---do----	Protection of American mining interests. Instruction to present to Carranza Department's telegram of June 30 and very earnestly renew representations concerning mining tax decrees.	962
	Mr. Lansing to Mr. Lux (telegram).	---do----	Protection of Spanish interests. Reply to his Dec. 22. This Government is not disposed to extend refuge to foreigners on American war vessels except in cases of extreme urgency; the cases mentioned do not appear to be of this nature.	1049
	Mr. Silliman to Mr. Lansing (telegram).	Dec. 29	Protection of American mining interests. In compliance with Department's Dec. 28, he will go to Carranza at San Luis Potosi on Dec. 30.	963
	Father Kelley to Mr. Lansing.	Dec. 30	Religious orders. Incloses documents pertaining to persecution of Catholics in Mexico. Suggests what can be done by the Department to relieve the situation.	1029
	Mr. Cobb to Mr. Lansing (telegram).	Dec. 31	Political affairs. General Obregon will cross to Juarez to-night and go south; he says that most of the Villa and Rodriguez men have surrendered, but Villa and Rodriguez have so far escaped.	780
	Mr. Arredondo to Mr. Lansing.	---do----	Exportation of arms. Suggests discontinuance of the embargo as to Chihuahua, Sonora, and Lower California.	785

MOROCCO.

		1915.		
506	Mr. Blake to Mr. Lansing.	Dec. 8	French protectorate. Protest of the United States against removal of certain cases from the civil to the French military courts. Incloses copy of notice of the decision of the French Resident General, whereby certain cases have been removed from the civil courts for trial before the French military courts.	1097
793	Mr. Polk to Mr. Sharp.	Dec. 29	Same subject. Incloses copy of the foregoing with instruction to protest against the action taken by the Resident General in so far as it affects citizens of the United States, in order to prevent waiver by the United States of its rights in Morocco.	1098

NETHERLANDS.

		1915.		
73	Mr. Bryan to Mr. Van Dyke.	Jan. 13	Opium convention. Incloses copy of a note from the Netherlands Minister transmitting copy of a protocol for signature by the plenipotentiaries of the Governments that have ratified the Opium Convention, upon signature of which the convention will go into effect as to the Governments signing. Instruction to sign.	1100
92	Mr. Bryan to Mr. Rappard.	---do----	Same subject. Reply to his Dec. 17 (For. Rel., 1914) informing him that instructions have this day been sent to the American Minister to sign the protocol.	1101
145	Mr. Van Dyke to Mr. Bryan (telegram).	Feb. 11	Same subject. Reports having signed the protocol, followed by China and the Netherlands. No other signatures yet. Advises instructions to American diplomatic officers to promote signature by other nations, especially in South America.	1101
204	Same to same.	---do----	Same subject. Amplifies the foregoing.	1101
96	Mr. Bryan to Mr. Van Dyke.	Mar. 11	Same subject. Reply to his No. 204 of Feb. 11; instructs him to advise the Netherlands Government of the proclamation of the convention.	1102
	----------	Aug. 21	Arbitration agreement between the United States and the Netherlands extending the duration of the convention of May 2, 1908. Proclamation.	1099

NETHERLANDS—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
200	Mr. Polk to Mr. Van Dyke (telegram).	Sept. 23	Opium convention. Requests a list of the countries that have deposited their ratifications of the convention; inquires whether there is a prospect that governments that have deposited ratifications will effectuate the convention as the United States, China, and the Netherlands have done.	1103
392	Mr. Van Dyke to Mr. Lansing (telegram).	Sept. 28	Same subject. Reply to the foregoing. Gives list of countries that have deposited ratifications; it is difficult to judge the present prospect of effectuation of the convention by other countries.	1103

NICARAGUA.

		1915.		
	Mr. Bryan to Mr. Hale (telegram).	Jan. 29	Proposed canal treaty with Nicaragua; protests of Salvador and Costa Rica. Misunderstanding with Costa Rica removed; negotiations for a treaty with Costa Rica similar to that pending with Nicaragua are now going on. Requests statement of apparent attitude in Costa Rica.	1104
	Mr. Bryan to Mr. Long (telegram).	...do.....	Same subject. Same purport as the foregoing, adding that the Department is willing to make similar treaties with Salvador and Honduras.	1105
63	Mr. Hale to Mr. Bryan.....	Feb. 3	Same subject. Reply to Department's Jan. 28. The President of Costa Rica is of the same mind as reported in Mr. Hale's Aug. 13, 1914; incloses newspaper report of an interview with the President, and of his note to the Foreign Office requesting an informal statement of the Government's attitude.	1105
25	Mr. Long to Mr. Bryan.....	Feb. 4	Same subject. Reply to Department's Jan. 28. The Government is giving the matter serious consideration.	1106
	Same to same (telegram).....	Feb. 11	Same subject. The purport of Department's Jan. 28 has been communicated to the Foreign Office, the President and the President-elect, none of whom desire to enter into an arrangement such as suggested; suggestions.	1107
65	Mr. Hale to Mr. Bryan.....	Feb. 12	Same subject. Refers to his No. 63 of Feb. 3; incloses reply to his note of Feb. 3 to the Foreign Office and of his response of Feb. 12.	1107
68	Same to same.....	Feb. 27	Same subject. Refers to his Nos. 63 and 65 of Feb. 3 and 12; incloses the reply of the Foreign Office to his note of Feb. 12, embodying the views of Costa Rica as reported in his telegram of Feb. 26.	1109
	Mr. Jefferson to Mr. Bryan (telegram).	Mar. 1	Same subject. Requests permission for an inspection trip in Fonseca Bay, which the President of Nicaragua would be invited to participate in.	1112
	Mr. Bryan to Mr. Jefferson (telegram).	Mar. 5	Same subject. Reply to the foregoing. The Chattanooga will convey the President on the trip.	1112
	Same to same (telegram).....	Mar. 6	Same subject. Incloses copy of a letter from the Department to the Minister of Nicaragua, expressing this Government's regret at the delay of the Senate to ratify the treaty. Instruction to deliver a copy to the Foreign Office.	1112
	Mr. Chamorro to Mr. Bryan.	Mar. 12	Same subject. Reply to the letter mentioned in the foregoing.	1113
153	Mr. Jefferson to Mr. Bryan.	Mar. 13	Same subject. Incloses copy of reply of the President to his note in pursuance of Department's Mar. 6.	1113
	Same to same (telegram).....	Mar. 18	Same subject. Refers to his Mar. 1 and Department's Mar. 5. The President greatly enjoyed the trip around Fonseca Bay.	1114
155	Same to same.....	Mar. 21	Same subject. Elaboration of the foregoing.....	1114
	Mr. Long to Mr. Bryan (telegram).	Mar. 26	Same subject. Reports the suggestion of the President of an all-Central-American alliance with the United States which would solve the canal problem.	1115
37	Same to same.....	Mar. 27	Same subject and purport.....	1116
	Mr. Bryan to Mr. Long (telegram).	Apr. 4	Same subject. Reply to his telegram of Mar. 26; instruction to secure from the Foreign Office the outline of such a plan as Salvador would favor, and to inquire as to its attitude to the inclusion of Honduras in the plan.	1117
	Mr. Long to Mr. Bryan (telegram).	Apr. 9	Same subject. Salvador is pleased that this Government is willing to consider the plan presented.	1117
162	Mr. Jefferson to Mr. Bryan.	May 17	Protection of Chinese citizens by the American Legation. Incloses copy of a note from certain Chinese requesting the aid of the Legation in case of need for protection of life and property; requests instruction.	1119

NICARAGUA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
53	Mr. Lansing to Mr. Jefferson.	July 6	Same subject. Reply to his No. 162 of May 17. Instructs him to be guided by the Department's instruction No. 114 of July 15, 1908, to Minister Coolidge.	1120
186	Mr. Jefferson to Mr. Lansing.	Aug. 7	Same subject. Incloses copy of his note to the Chinese petitioners in pursuance of the Department's No. 53 of July 6.	1121
393	Mr. Spring Rice to Mr. Bryan.	Oct. 28	Proposed canal treaty. Enters a caveat against payment to Nicaragua of the sum agreed in the pending treaty unless provision is first made for the settlement of British claims.	1118

NORWAY.

		1915.		
	Mr. Bryan to Mr. Bryn	Jan. 7	Agreement between the United States and Norway extending time for appointment of the commission under Article 2 of the Treaty of June 24, 1914, effected by exchange of notes.	1122
	Mr. Bryn to Mr. Bryan	Jan. 12	Same subject and purport	1122

PANAMA.

		1913.		
107	Mr. Knox to Mr. Dodge	Mar. 3	Harrington indemnity. Due to torture in prison, the American citizen, W. T. Harrington, became insane and died in 1910. His widow has presented a claim for $50,000. Instruction to present this claim and to add that this Government will not permit its citizens to be subjected to such treatment. Reference to the possibility of assumption by the United States of control of the Panaman police.	1240
432	Mr. Dodge to Mr. Bryan	May 1	Same subject. Reply to Department's No. 107 of Mar. 3; incloses his note 307 of Mar. 14 to the Foreign Office in pursuance thereof.	1242
139	Mr. Bryan to Mr. Dodge	May 22	Same subject. Reply to his 432 of May 1; instruction to pursue the matter closely.	1243
458	Mr. Dodge to Mr. Bryan	June 4	Same subject. Reply to Department's 139 of May 22; refers to his second note to the Foreign Office.	1243
145	Mr. Bryan to Mr. Wicker	June 20	Same subject. If Mr. Dodge's second note is not answered soon, address another and more urgent one to the Foreign Office.	1243
507	Mr. Wicker to Mr. Bryan	Sept. 26	Same subject. Refers to Department's 145 of June 20 and incloses copy of note from the Foreign Office, No. S–2105 of Sept. 20 in reply to Mr. Dodge's 307 of Mar. 14.	1244
4	Mr. Bryan to Mr. Price	Oct. 20	Same subject. Refers to Mr. Wicker's 507 of Sept. 26; instructs him to request of the Foreign Office permission to copy evidence in the case.	1245
		1914.		
115	Mr. Price to Mr. Bryan	Mar. 2	Same subject. Refers to Department's No. 4 of Oct. 20, 1913, and transmits copy of testimony and other information.	1246
58	Mr. Bryan to Mr. Price	July 8	Same subject. Reply to his 115 of Mar. 2; on the basis of the testimony submitted, instructs him to represent to Panama the propriety of adequate reparation.	1247
271	Mr. Price to Mr. Bryan	Sept. 8	Same subject. Incloses his note 103 of Sept. 8 to the Foreign Office in pursuance of Department's 58 of July 8.	1250
286	Same to same	Sept. 26	Assaults on American citizens in Panama: I. Riot at Cocoa Grove, July 4, 1912. II. Fight at Cocoa Grove Feb. 14, 1915. III. Riot at Colon, April 2, 1915. IV. Proposal to demand delivery to the Canal authorities of the rifles of the Panaman police for storage. Incloses summary of conversation with President Porras in pursuance of recent instructions in regard to the Cocoa Grove 1912 case.	1162
70	Mr. Lansing to Mr. Price	Oct. 13	Same subject. Approves his No. 286 of Sept. 26	1163
		1915.		
58	Mr. Hale to Mr. Bryan	Jan. 23	Boundary dispute between Costa Rica and Panama. Incloses a note from the Foreign Office inclosing copy of the Panaman decree No. 96 and of a Costa Rican note to Panama of Jan. 14 in regard to the occupation by Panama of territory north of Punta Burica; also Mr. Hale's note to the Foreign Office of Jan. 21, in reply. Requests instruction.	1131

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
389	Mr. Price to Mr. Bryan	Jan. 25	Assault on American citizens. Suggests advisability of considering the terms of an ultimatum in the Cocoa Grove affair. Incloses copy of his note to the Foreign Office insisting on prompt action by the court	1163
390	Same to same	Jan. 26	Harrington indemnity. Incloses copy of his note 122 of Jan. 25 to the Foreign Office urging reply to his 103 of Sept. 8, 1914.	1252
397	Same to same	Jan. 30	Protection of Chinese. Reports the imminence of anti-Chinese legislation and his offer of his good offices in behalf of the Chinese; incloses copy of the objectionable bill.	1262
	Same to same (telegram)	do	Same subject. Summary of the foregoing	1265
	The Chinese Legation to the Department of State.	Feb. 1	Same subject. Same purport as the foregoing	1266
	Mr. Bryan to Mr. Price (telegram).	do	Same subject. Instruction to use his good offices to secure as favorable terms as possible.	1266
	Mr. Price to Mr. Bryan (telegram).	Feb. 2	Same subject. Reports his action in pursuance of Department's Feb. 1.	1266
48	Mr. Lansing to Mr. Kai Fu Shah.	Feb. 4	Same subject. Acknowledges the Chinese Legation's Feb. 1 and informs him of Department's instruction of Feb. 1 to Mr. Price.	1267
400	Mr. Price to Mr. Bryan	Feb. 5	Same subject. Incloses copy of his Foreign Office note in pursuance of Department's Feb. 1.	1267
102	Mr. Bryan to Mr. Price	Feb. 11	Harrington indemnity. Reply to his 390 of Jan. 26; if response is not soon received from Panama, make another and more emphatic representation.	1252
	Mr. Price to Mr. Bryan (telegram).	Feb. 14	Assaults on American citizens. Fight at Cocoa Grove last night being investigated; two deaths and many wounded.	1186
	Same to same (telegram)	do	Same subject. Same subject and purport	1187
	Mr. Bryan to Mr. Price (telegram).	Feb. 16	Same subject. Instruction to insist on immediate thorough investigation by Panaman authorities and fixing responsibility for Cocoa Grove affray, Feb. 14.	1187
		Feb. 18	Panama Canal Zone boundary convention between the United States and Panama. Proclamation.	1123
414	Mr. Price to Mr. Bryan	do	Protection of Chinese. Incloses copy of reply of Foreign Office to his note reported in his No. 400 of Feb. 5.	1268
104	Mr. Bryan to Mr. Price	do	Assault on American citizens. Instruction to inform Foreign Office that this Government has patiently waited for termination of the Cocoa Grove inquiry and unless result of same shall be announced within two weeks, this Government will be assured that the Republic of Panama does not desire to do justice in the matter.	1164
415	Mr. Price to Mr. Bryan	Feb. 19	Same subject. Refers to his No. 389 of Jan. 25. Incloses note from Foreign Office stating that investigation of the case has not been completed on account of illness of Judge Perigault. Awaits further instructions.	1165
413	Same to same	do	Same subject. Full report of Cocoa Grove affray of Feb. 14, incloses Foreign Office note as to reciprocal representations at the investigations made by the Panaman and the United States authorities; his reply.	1187
47	Mr. Kai Fu Shah to Mr. Bryan.	Feb. 20	Protection of Chinese. Expresses his thanks for the Department's Feb. 4.	1269
422	Mr. Price to Mr. Bryan	Feb. 25	Same subject. Reports adjournment of the Assembly without passing any anti-Chinese bill; incloses his note to Foreign Office expressing his appreciation of its efforts with the Assembly and its promise to keep in abeyance the objectionable features of the present law.	1269
55	Mr. Kai Fu Shah to Mr. Bryan.	Mar. 2	Same subject. Quotes appreciative telegram from his Government.	1270
107	Mr. Bryan to Mr. Price	do	Same subject. Incloses copy of the Chinese Minister's Feb. 20.	1270
108	Same to same	Mar. 4	Assaults on American citizens. Reply to his 415 of Feb. 19. Department's instruction No. 104, of Feb. 18, 1915 gives its views on the subject.	1166
59	Mr. Bryan to Mr. Kai Fu Shah.	do	Protection of Chinese. Incloses copies of Mr. Price's Nos. 397 and 400 of Jan. 30 and Feb. 5.	1271
109	Mr. Bryan to Mr. Price	do	Same subject. Informs him of the foregoing	1271
	Mr. Price to Mr. Bryan (telegram).	Mar. 5	Assaults on American citizens. Refers to Department's No. 104 of Feb. 18. The Supreme Court of Panama has rendered decision; the criminal judge has been directed to act promptly.	1166
434	Same to same	Mar. 6	Same subject. Same reference and purport	1167
111	Mr. Bryan to Mr. Price	do	Same subject. Acknowledges his 413	1190
	Mr. Mesén to Mr. Bryan	Mar. 9	Boundary dispute. Argument in favor of acceptance of the award; request for the good offices of the United States to induce Panama to accept it.	1134

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
437	Mr. Price to Mr. Bryan	Mar. 9	Harrington indemnity. Reports action in pursuance of Department's 102 of Feb. 11.	1252
	Mr. Bryan to Mr. Price (telegram).	Mar. 10	Assaults on American citizens. Reply to his Mar. 5. Instruction to comply with instruction 104 of Feb. 18.	1167
440	Mr. Price to Mr. Bryan	Mar. 12	Same subject. Incloses copy of note to Foreign Office in pursuance of instruction 104 of Feb. 18 and telegram of Mar. 10.	1168
115	Mr. Bryan to Mr. Price	Mar. 17	Protection of Chinese. Approves the action reported in his 422 of Feb. 25.	1271
444	Mr. Price to Mr. Bryan	Mar. 19	Assaults on American citizens. Pertains to copies of testimony transmitted to the Foreign Office, with copy of his note thereon.	1190
116	Mr. Bryan to Mr. Price	Mar. 23	Same subject. Acknowledges his 434 of Mar. 6; refers him to Department's Mar. 10.	1169
	Same to same	Mar. 25	Same subject. Acknowledgment of his 440 of Mar. 12.	1169
458	Mr. Price to Mr. Bryan	Mar. 31	Wireless telegraph. Reports an interview at the Foreign Office regarding payment by Panama of the fee of signatories to the International Radiotelegraphic Convention, which Panama believes should be borne, as to Panama, by the United States.	1155
	Same to same (telegram)	Apr. 2	Assaults on American citizens. Report of riot at Colon on Apr. 2, resulting in death of Corporal Langdon and wounding of three other American soldiers.	1194
72	Mr. Hale to Mr. Bryan	Apr. 3	Boundary dispute. Refers to his No. 58 and previous correspondence; incloses a note from the Foreign Office inclosing copies of Panama's reply dated Jan. 30 to Costa Rica's Jan. 14, and Costa Rica's rejoinder dated Mar. 1.	1138
	Mr. Price to Mr. Bryan (telegram).	do	Assaults on American citizens. Refers to his 440. No reply received from Panaman Government in regard to the settlement of cases of the Cocoa Grove riot.	1169
	Same to same (telegram)	Apr. 4	Same subject. Colon riot being investigated by military authorities. Killing of Langdon was reckless and unprovoked. Indication of attempt to shield policeman by Panaman authorities.	1194
	Mr. Bryan to Mr. Price (telegram).	Apr. 6	Same subject. Reply to his Apr. 4. Instruction to protest urgently against any attempt to shield policeman and to insist that he be speedily tried.	1194
465	Mr. Price to Mr. Bryan	Apr. 8	Same subject. The recommendation by General Goethals and General Edwards to the War Department that the policing of the cities of Panama and Colon be taken over by the United States under the Canal Treaty became public soon after the Feb. 14 affray at Cocoa Grove but has not caused much adverse comment.	1191
466	Same to same	Apr. 9	Harrington indemnity. Incloses copy of another note sent by him to the Foreign Office.	1253
469	Same to same	Apr. 10	Assaults on American citizens. Gives detailed report of investigation of Colon riot on Apr. 2 and incloses his note No. 160 to the Foreign Office protesting against release of Nuñez, the policeman supposed to have killed Corporal Langdon.	1195
	Mr. Snyder to Mr. Bryan	do	Protection of Chinese. Informs him of recent legislation affecting third-class Chinese passengers coming as laborers to Panama, requiring $30 deposit pending proof of having obtained permanent work.	1271
475	Mr. Price to Mr. Bryan	Apr. 16	Assaults of American citizens. Further reports on the riot at Colon on Apr. 2. Transmits report by Chief of Police Mitchell and Panaman note replying to his note No. 160; Nuñez will be held.	1196
476	Same to same	Apr. 17	Same subject. Reports interview with Secretary for Foreign Affairs who stated that they would pay damages in the Cocoa Grove affair without awaiting the court's decision, and had concluded to propose that the red-light districts of Colon and Panama be put in charge of American policemen.	1170
134	Mr. Bryan to Mr. Price	Apr. 23	Same subject. Approves his note 160 to the Foreign Office.	1198
480	Mr. Price to Mr. Bryan	do	Same subject. Transmits additional report made by Capt. H. D. Mitchell to Governor Goethals relating to Colon mêlée of Apr. 2.	1198
	Same to same (telegram)	Apr. 26	Same subject. Minister for Foreign Affairs proposes that a disinterested diplomatic agent be selected to value damages and decide amount of indemnity which Panama should pay for each murdered citizen and those who suffered wounds in the riot of Cocoa Grove July 4, 1912.	1171

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
484	Same to same	Apr. 26	Same subject. Incloses Foreign Office note in regard to the Cocoa Grove affair, in reply to Mr. Price's note mentioned in his 440 of Mar. 12; it yields to the demand for indemnity and prosecution of guilty persons; proposes arbitration of the amount of the indemnity and drafting of an arbitral agreement.	1171
129	Mr. Bryan to Mr. Price	Apr. 27	Harrington indemnity. Refers to his 466 of Apr. 9; instruction to urge again the payment of an indemnity by Panama; the amount of $5,000 should be insisted upon.	1253
137	Same to same	Apr. 28	Boundary dispute. After examination of the arguments submitted to it by both parties, the Department is convinced that no exception can be taken to the arbitration procedure followed or to the findings of the arbitrator, nor view with indifference the rejection of the award by either party or share in anything throwing discredit on the arbitrator. After Panama has expressed willingness to accept the award, this Government will be glad to lend its good offices; suggestions. Instruction to present these views to the Government of Panama.	1147
138	Same to same	...do...	Assaults on American citizens. Reply to his 475 of Apr. 16; instruction to continue insisting on punishment of persons guilty of shooting Americans in the Feb. 14 affray.	1199
491	Mr. Price to Mr. Bryan	May 3	Protection of Chinese. Acknowledges Department's No. 107 of Mar. 2 and incloses a letter from the Chinese Consul General appreciative of his good offices and one quoting the Chinese Government to the same effect; reports presentation to him of a loving cup by the Chinese Colony and his acceptance of this private and unofficial testimonial.	1272
	Mr. Gale to Mr. Bryan	May 4	Assaults on American citizens. Transmits copy of report prepared on subject of Colon mêlée of Apr. 2, 1915.	1200
	Mr. Mesén to Mr. Bryan	May 5	Boundary dispute. Asks whether the United States will use its good offices toward the execution of the award.	1148
	Mr. Bryan to Mr. Garrison.	May 7	Assaults on American citizens. Transmits copy of Mr. Price's No. 476 of Apr. 17. Requests the views of the War Department concerning the proposal outlined to Mr. Price by the Panaman Foreign Office.	1221
	Mr. Bryan to Mr. Mesén	May 8	Boundary dispute. Reply to his May 5; attitude of the Department.	1148
	Mr. Garrison to Mr. Bryan	May 11	Assaults on American citizens. The affrays of Feb. 14 at Panama and of Apr. 2 at Colon suggest the need for a written agreement with Panama defining the status of the United States military patrols in Colon and Panama cities, based on details to be settled at a conference, hereby recommended, between Minister Price and the Canal authorities.	1222
	Mr. Bryan to Mr. Price (telegram).	May 14	Same subject. Refers to his telegram and dispatch of Apr. 26. Department believes that the two Governments should first discuss amount of award before appointing arbitrator.	1174
	Mr. Breckinridge to Mr. Bryan.	May 15	Same subject. Reply to the Department's May 7. Recommends entering into an agreement with Panama defining the exact status and powers of the American military patrols in the cities of Colon and Panama, in the hope of avoiding the question of complete police control by the United States under the terms of the treaty.	1223
510	Mr. Price to Mr. Bryan	...do...	Harrington indemnity. Incloses copy of a note from the Foreign Office to his 103 of No. S-6626 replying to his 103 of Sept. 8, 1914, and three subsequent notes.	1254
146	Mr. Bryan to Mr. Price	May 17	Assaults on American citizens. Transmits copy of the letter of May 11 from the War Department regarding status of patrols in Panama. Instruction to confer with General Goethals and General Edwards and submit opinions to Department regarding power vested in patrols.	1224
	Mr. Bryan to Mr. Garrison.	...do...	Same subject. Acknowledges receipt of letter May 11, 1915. Instructions have been sent to American Minister in Panama to confer with General Goethals and General Edwards regarding power vested in patrols.	1225

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
	Mr. Price to Mr. Bryan (telegram).	May 18	Same subject. Minister for Foreign Affairs agrees to proposition in your telegram of May 14. Suggests general settlement of the Cocoa Grove and certain other claims.	1174
514	Same to same	do	Harrington indemnity. Incloses Spanish text of Foreign Office note, copy of which was sent with his 510 of May 15. Unless otherwise instructed, he will answer the Panaman note and demand an indemnity of $5,000.	1257
516	Same to same	May 19	Assaults on American citizens. Incloses copy of his note to the Foreign Office in pursuance of instruction of May 14, and reply of Foreign Office consenting to discuss the amount of the indemnities prior to arbitration.	1175
147	Mr. Bryan to Mr. Price	do	Protection of Chinese. Approves his acceptance of the cup as reported in his No. 491 of May 3.	1274
	Same to same (telegram)	May 20	Assaults on American citizens. Reply to his May 18. Requests report of cases possible of settlement by agreement.	1176
	Mr. Bryan to Mr. Garrison.	May 21	Same subject. Acknowledges letter of May 15, of which a copy was sent to American Minister in Panama supplementing instructions sent him on May 17 on the basis of Mr. Garrison's May 11.	1225
149	Mr. Bryan to Mr. Price	do	Same subject. Transmits copy of letter from War Department dated May 15, 1915.	1226
	Mr. Price to Mr. Bryan (telegram).	May 29	Same subject. Reply to Department's May 20. A lump sum suggested.	1176
521	Same to same	June 3	Boundary dispute. Incloses copy of his note to Panama in pursuance of Department's No. 137 of Apr. 28. Reports reestablishment of Panama's legation in Costa Rica, with Sr. Santiago de la Guardia as Minister.	1149
152	Mr. Bryan to Mr. Price	June 4	Harrington indemnity. Approves his intended action as stated in his 514 of May 18.	1257
529	Mr. Price to Mr. Lansing	June 11	Same subject. Incloses copy of his note referred to in his 514 of May 18 and in pursuance of Department's 129 of Apr. 27.	1258
	The Legation of Panama to the Department of State.	June 17	Assaults on American citizens. Memorandum proposing selection of some diplomatic officer accredited in both the United States and Panama and selected by the United States to determine the amount of the Cocoa Grove indemnity.	1176
540	Mr. Price to Mr. Lansing	June 22	Wireless telegraph. Refers to Department's No. 79 of Dec. 2 and Mr. Cresson's No. 366 of Dec. 28; incloses copy of a note from the Foreign Office requesting permission for erection of radio stations on the San Blas and Darien coasts. Requests instructions.	1156
	Mr. Endicott to Mr. Lansing (telegram).	June 24	Boundary dispute. Costa Rica refuses to treat with the new Panaman minister concerning the boundary, considering it finally settled by the award; Costa Rica desires the good offices of the United States in proceeding as soon as possible to delimitation of the boundary.	1150
545	Mr. Price to Mr. Lansing	June 25	Assaults on American citizens. Transmits copy of report by Colonel Chamberlain relating to Colon riot of Apr. 2; it recommends taking over, as soon as possible, the control of Colon and Panama cities, including regulation of liquor, dope, sanitation, prostitution, and police.	1201
	Mr. Osborne to Mr. Price (telegram).	June 28	Same subject. Reply to his May 29. Suggests $100,000 as the lump sum and instructs to bring the matter at once before the Foreign Office.	1177
	The Department of State to the Legation of Panama.	June 30	Assaults on American citizens. Acknowledgment of the Legation's June 17.	1177
552	Mr. Price to Mr. Lansing	July 9	Same subject. Incloses copy of correspondence with Foreign Office concerning Nuñez, the policeman held on suspicion of killing Langdon.	1203
555	Same to same	July 12	Wireless telegraph. Refers to his No. 458 of Mar. 31 and incloses a Foreign Office note stating Panama's position in regard to the transmission to the Director of the London Radio Convention of the rules and regulations in force in Panama.	1157
561	Same to same	July 16	Assaults on American citizens. Reply to Department's June 28. No progress made in negotiations as to indemnity. Suggests proceeding with details of arbitration if the Department is to agree to that procedure.	1177
563	Same to same	July 20	Harrington indemnity. Incloses copy of a Foreign Office note stating that his note has been referred to the consulting attorney of the office.	1261

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915.		
163	Mr. Adee to Mr. Price	July 23	Assaults on American citizens. Department approves his action as reported in his 552 of July 9.	1207
568	Mr. Price to Mr. Lansing	July 26	Same subject. Refers to Department's 146 of May 17; incloses copy of Gen. Edwards' opinion, concurred in by Gen. Goethals, that a written agreement with Panama as to the functions and powers of American military patrols is not advisable; reasons.	1226
572	Same to same	July 30	Same subject. Transmits copy of General Edwards' report to General Wood on the Colon riot of Apr. 2.	1207
574	Same to same	Aug. 2	Boundary dispute. Incloses copy of reply dated July 28 from the Foreign Office to his note copied to the Department in his No. 521 of June 3.	1150
	Mr. Lansing to Mr. Price (telegram).	Aug. 7	Assaults on American citizens. Reply to his telegram of July 27; instruction to propose Netherlands Minister to United States as arbiter Cocoa Grove claims.	1178
579	Mr. Price to Mr. Lansing	Aug. 9	Same subject. Transmits copy of report made by Lt. Goetz to Gen. Edwards relating to Colon riot on Apr. 2, recommending complete police control of Colon and Panama cities by the United States.	1209
	Same to same (telegram)	Aug. 13	Same subject. Reply to Department's Aug. 7. Minister for Foreign Affairs agrees to Netherlands Minister as arbitrator.	1178
582	Same to same	do	Same subject. Confirms the foregoing telegram. Incloses note from the Foreign Office submitting a list of foreign diplomatic officers from which an arbitrator may be chosen.	1178
121	Mr. Lansing to Mr. Van Rappard.	Aug. 19	Same subject. Advises him of the proposal of the Government of Panama to place before an arbitrator the question of amount of indemnity on account of the Cocoa Grove riot in 1912. Requests that he act as arbitrator.	1179
590	Mr. Price to Mr. Lansing	Aug. 21	Same subject. Transmits copies of three notes to Foreign Office insisting on response to first note protesting against release of Carlos Nuñez.	1209
	Mr. Morales to Mr. Lansing.	Aug. 25	Wireless telegraph. Requests this Government to issue orders for erection of one or two wireless stations on the San Blas coast and one on the Darien coast.	1158
	Mr. Lansing to Mr. Price	do	Assaults on American citizens. Acknowledges despatch No. 568, and instructs to urge upon Panama the disarmament of its police as to high-powered rifles, and strict enforcement of the law against carrying weapons.	1227
2236	Mr. Van Rappard to Mr. Lansing.	Aug. 30	Same subject. Letter of acceptance	1180
599	Mr. Price to Mr. Lansing	do	Same subject. Transmits copy of note from the Foreign Office replying to his four notes above mentioned; it avoids the issue.	1211
604	Same to same	Sept. 6	Harrington indemnity. Refers to his 563 of July 20 and incloses copy of his note of Sept. 6 to the Foreign Office, emphatically soliciting settlement of the Harrington claim.	1261
607	Same to same	Sept. 8	Assaults on American citizens. Transmits copy of his reply to Foreign Office note. Presents his reasons for assumption by the United States of control of Panama police.	1212
169	Mr. Lansing to Mr. Price	Sept. 9	Boundary dispute. Reply to his No. 574 of Aug. 2. Instruction to say to Panama, after official written notice of Panama's acceptance of the award unconditionally, that the Department would be willing to use its good offices to adjust any hardship thought to exist because of the award.	1152
	Mr. Lansing to Mr. Garrison.	do	Wireless telegraph. Incloses copy of Mr. Morales's Aug. 25; requests statement of the present attitude of the Canal authorities, and of the reasons, if any, why the whole matter had best be maintained in statu quo until the end of the European war, since complete and permanent control of wireless stations in Panama has been given to the United States.	1159
170	Mr. Lansing to Mr. Price	Sept. 11	Assaults on American citizens. Approves his action as reported in his 590 of Aug. 21.	1213
176	Mr. Polk to Mr. Price	Sept. 18	Same subject. Approves the action reported in his 599 of Aug. 30.	1214
	Mr. Price to Mr. Lansing (telegram).	do	Harrington indemnity. Reports payment by Panama of $5,000 indemnity in the Harrington case.	1262

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
	Same to same (telegram)	1915 Sept. 21	Assaults on American citizens. Panama has agreed to submit to arbitration only the claims growing out of riot July 4, 1912. Claims of subsequent riots have not been represented.	1181
	Mr. Quesada to Mr. Lansing.	Sept. 27	Boundary dispute. In view of the possibility of war resulting from Panama's refusal to accept the White Award, Costa Rica requests the good offices of the United States to induce Panama to withdraw from north of Punta Burica.	1152
631	Mr. Price to Mr. Lansing	Oct. 1	Assaults on American citizens. Requests instructions as to claims for damages in Feb. 14 affray at Cocoa Grove.	1192
630	Same to same	do	Same subject. Transmits copy of statement of claims for damages against Panama in Colon riot of Apr. 2, 1915.	1214
634	Same to same	Oct. 4	Same subject. Transmits copy of note from Foreign Office replying to his note reported in his 607 of Sept. 8.	1214
637	Same to same	Oct. 7	Same subject. Transmits copy of his note in response to one the inclosed with dispatch No. 634.	1216
638	Same to same	Oct. 8	Boundary dispute. Incloses copy of his note to the Foreign Office in pursuance of Department's instruction No. 169 of Sept. 9.	1155
	Mr. Breckinridge to Mr. Lansing.	Oct. 9	Assaults on American citizens. Incloses papers relating to damage claims in the Feb. 14 affray.	1193
189	Mr. Lansing to Mr. Price	Oct. 16	Same subject. Approves his action as reported in dispatches Nos. 607 and 614 relating to the indifference of Panamans regarding riots at Panama Feb. 14 and at Colon Apr. 2.	1217
648	Mr. Price to Mr. Lansing	do	Same subject. Incloses copy of his note 247 of Oct. 15 to the Foreign Office in pursuance of Department's Aug. 25. The disarmament of the Panaman police will require disposal of the rifles so as to render them inaccessible, such as listing and storing them.	1228
647	Same to same	do	Same subject. Refers to his 648 of this date and incloses copies of letters passing between General Edwards and Mayor Arjona regarding carrying concealed weapons in Panama.	1230
190	Mr. Lansing to Mr. Price	Oct. 19	Same subject. Acknowledgment of his 631; there is no need for further action.	1193
191	Same to same	do	Same subject. Reply to his 634 of Oct. 4. Department suggests a representative of military authority attend prosecutions of persons accused of guilty connection with Colon riot. Department approves your statement of unfitness of Judge Arosemena.	1217
192	Same to same	do	Same subject. Acknowledges receipt of No. 630 with statement of claims for damages for injuries suffered by Am. soldiers in Colon riot of Apr. 2, 1915. Department will give statements careful consideration.	1218
129	Mr. Lansing to Mr. van Rappard.	Oct. 23	Same subject. Appreciation of decision to act as arbitrator. Will communicate further when arrangements are completed.	1181
195	Mr. Lansing to Mr. Price	do	Same subject. Incloses note from W. L. F. C. van Rappard consenting to act as arbitrator in Cocoa Grove case. Sign with the duly authorized representative of Panama a protocol of submission in the form given.	1181
	Mr. Lansing to Mr. Garrison.	do	Same subject. States method of preparing claims for damages.	1193
197	Mr. Lansing to Mr. Price	Oct. 28	Same subject. Approves action reported in his 637 of Oct. 7.	1218
658	Mr. Price to Mr. Lansing	Oct. 29	Same subject. Refers to his 648 of Oct. 16 and incloses copy of letter of Oct. 25 from General Goethals relating to disarmament.	1231
665	Same to same	Nov. 4	Same subject. Incloses decree of the Supreme Court of Panama stating that there is no sufficient evidence on which to institute a prosecution growing out of the riot of July 4, 1912.	1182
201	Mr. Lansing to Mr. Price	Nov. 5	Same subject. Acknowledges receipt of dispatch No. 648 and suggests discussion with Canal authorities as to sale of rifles.	1232
670	Mr. Price to Mr. Lansing	Nov. 8	Same subject. Reply to Department's No. 195 of Oct. 23; incloses his note to the Foreign Office in pursuance thereof.	1182
675	Same to same	Nov. 11	Same subject. Transmits copy of another note to the Foreign Office, relating to the Colon riot.	1218

PANAMA—Continued.

No.	From and to whom.	Date.	Subject.	Page.
		1915		
680	Same to same	Nov. 17	Same subject. Transmits copy of note of Nov. 12 from the Foreign Office in reply to his note of Oct. 15 inclosed with dispatch 648 of Oct. 16; it considers necessary the retention of rifles by the Panaman police, and states that Panama does not interpret article 7 of the Canal Treaty as does the United States.	1233
205	Mr. Lansing to Mr. Price	Nov. 19	Same subject. Reply to his 658 of Oct. 29. Refers him to Department's 201 of Nov. 5 and instructs him that if the Foreign Office replies favorably he may proceed to obtain Panama's concurrence in General Goethals' plan for safe keeping of the rifles.	1234
	Mr. Price to Mr. Lansing (telegram).	Nov. 24	Same subject. Refers to his 680 of Oct. 17. Panama refuses either to sell or deliver to us the police rifles; strict orders precluding their use again in riots have been given.	1235
690	Same to same	Nov. 27	Same subject. Incloses protocol concluded this day between United States and Panama in the matter of arbitrating the amount of damages caused by the Cocoa Grove riot of July 4, 1912.	1183
699	Same to same	Dec. 1	Same subject. Refers to Department's 201 of Nov. 5 and his telegram of Nov. 24. Transmits copies of letters from General Goethals and General Edwards, favoring disarmament.	1235
212	Mr. Lansing to Mr. Price	Dec. 4	Same subject. Reply to his 665 of Nov. 4. Instruction to say to the Government of Panama that the Department is disappointed at the failure of Panaman authorities to punish those who were engaged in the acts of criminal aggression upon American citizens in the riot of July 4, 1912, and the treaty rights of the United States for taking over the policing of Colon and Panama will now have to be considered.	1185
708	Mr. Price to Mr. Lansing	Dec. 7	Same subject. Transmits copy of note received from Foreign Office and reply to same.	1219
707	Same to same	do	Same subject. Refers to his 699 of Dec. 1 and recommends an unconditional demand upon Panama for the rifles, with the alternative of assumption by the United States of control of the police.	1238
	Mr. Garrison to Mr. Lansing.	Dec. 15	Wireless telegraph. Reply to his Sept. 9; incloses statement by the Governor of the Canal and of the Superintendent of Radio Service, to the effect that the only way by which complete and permanent control of radio communication in Panama can be exercised is to have the Navy Department approve the location and plans of proposed installations and operate the stations after their completion. If the San Blas coast stations desired by Panama meet the Navy Department's approval and it is prepared to operate them, there is no objection to their erection, at the expense of Panama.	1159
738	Mr. Spencer to Mr. Lansing.	Dec. 24	Assaults on American citizens. Incloses copy of the Legation's note to the Foreign Office in pursuance of Department's 212 of Dec. 4.	1185
746	Same to same	Dec. 28	Same subject. Transmits copies of letters to Governor Goethals and General Edwards; also General Edwards' reply, recommending disarmament of Panaman police.	1239

PARAGUAY.

		1915.		
		Mar. 17	Treaty for the advancement of general peace, concluded Aug. 29, 1914; between the United States and Paraguay. Proclamation.	1275
	Mr. Lansing to Mr. Velasquez.	Nov. 16	Agreement between the United States and Paraguay extending time for appointment of the commission under article 2 of the above treaty, effected by exchange of notes.	1227
	Mr. White to Mr. Lansing.	Nov. 22	Same subject and purport	1277

PERU.

No.	From and to whom.	Date.	Subject.	Page.
	----------	1915. Mar. 6	Treaty for the advancement of general peace, concluded between the United States and Peru. Proclamation.	1279

PORTUGAL.

	Mr. Lansing to Viscount de Alte.	1915. Nov. 16	Agreement between the United States and Portugal extending time for appointment of the commission under article 2 of the Treaty of Feb. 4, 1914, effected by exchange of notes.	1282
	Viscount de Alte to Mr. Lansing.	---do----	Same subject and purport----------	1282

RUSSIA.

	----------	1915 Mar. 25	Treaty for the advancement of general peace, concluded between the United States and Russia. Proclamation.	1283
	----------	Sept. 23	Protocol of agreement between the United States and Russia concerning the exportation of embargoed goods from Russia to the United States.	1285

SALVADOR.

30	Mr. Long to Mr. Bryan---	1915. Feb. 23	Message of the President. Transmits Annual Message of the President of Salvador which was delivered to Congress Feb. 15, last. Extract.	1288

SPAIN.

	Mr. Lansing to Mr. Riaño.	1915 Nov. 16	Agreement between the United States and Spain extending time for appointment of the commission under article 2 of the Treaty of Sept. 15, 1914, effected by exchange of notes.	1289
	Mr. Riaño to Mr. Lansing.	Dec. 20	Same subject and purport----------	1289

SWEDEN.

	----------	1915. Jan. 12	Treaty for the advancement of general peace, concluded between the United States and Sweden, signed at Washington Oct. 13, 1914. Proclamation.	1290
	Mr. Lansing to Mr. Ekengren.	Nov. 16	Agreement between the United States and Sweden extending time for appointment of the commission under article 2 of the above treaty, effected by exchange of notes.	1293
	Mr. Ekengren to Mr. Lansing.	---do----	Same subject and purport----------	1293

SWITZERLAND.

	President Hoffman to Mr. Ritter.	1914. Nov. 12	Protection of Swiss citizens in Turkey. Copy of instruction to request the United States Government to authorize its Embassy at Constantinople to protect in the Ottoman Empire those citizens of Switzerland that ask for protection, who are chiefly those previously under the protection of Powers now at war with Turkey.	1294

SWITZERLAND—Continued.

No.	From and to whom.	Date.	Subject.	Page
	Mr. Bryan to Mr. Morgenthau (telegram).	1914 Nov. 14	Same subject. Instruction to protect Swiss citizens as requested in the foregoing.	1294
	The Swiss Legation to the Department of State.	1915. Mar. 4	Same subject. Requests the Department to make sure that Swiss citizens will receive the same protection as Americans.	1294
	Mr. Bryan to Mr. Morgenthau (telegram).	---do----	Same subject. Instruction that, in view of the situation in Turkey, the Swiss Minister requests that he use his good offices to afford Swiss citizens in Turkey ample protection.	1294
	Mr. Lansing to Mr. Ritter.	---do----	Same subject. Informs him of the foregoing instruction.	1295
272	Mr. Morgenthau to Mr. Bryan.	Apr. 3	Same subject. Incloses copies of correspondence with the Sublime Porte showing the qualified character of the Turkish acceptance of American protection.	1295
286	Same to same	Apr. 20	Same subject. Embassy's No. 272. Transmits copy of the reply of the Sublime Porte to Embassy's note verbale of Apr. 3.	1297
	The Department of State to the Swiss Legation.	May 25	Same subject. Transmits copies of correspondence between the American Embassy and the Sublime Porte; requests to be informed of the attitude of the Swiss Government.	1298
	Mr. Ritter to Mr. Bryan	May 29	Same subject. Requests that the Department strongly insist that Swiss citizens under American protection in Turkey be assimilated with the nationals of the United States as the Swiss protected by Germany and France have always been assimilated with the nationals of those countries; cites authority therefor.	1298
276	Mr. Bryan to Mr. Ritter	June 2	Same subject. The Department regrets that it can not take the position as to assimilation mentioned in his May 29; cites authorities and precedents.	1299

TURKEY.

325	Mr. Morgenthau to Mr. Bryan.	1915. June 7	Abrogation by Turkey of the Capitulations; refusal of the United States to recognize executory force therein. Incloses correspondence between the Embassy and the Foreign Office from Sept. 18, 1914, to June 3, 1915.	1301
488	Mr. Morgenthau to Mr. Lansing.	Sept. 22	Same subject. Refers to the foregoing and incloses Foreign Office note of Sept. 4, 1915, informing the Embassy that henceforth all communications to the Sublime Porte in which the Capitulations are considered as still in force will be disregarded.	1304
355	Mr. Lansing to Mr. Morgenthau.	Nov. 4	Same subject. Replies to the foregoing and instructs him to notify the Ottoman Government that the Department can not agree with the position taken by it and the United States will hold it responsible for any injury to the United States or its citizens through interference with extraterritorial rights.	1305

URUGUAY.

	----------	1915. Feb. 26	Treaty for the advancement of general peace, concluded between the United States and Uruguay, signed at Washington July 20, 1914. Proclamation.	1307
845	Mr. Schoenfeld to Mr. Bryan.	Feb. 26	Message of the President; extract showing the Government's high regard for Mr. Grevstad.	1309

INTERNATIONAL CONVENTIONS.

	----------	1915. Mar. 3	Convention and Final Protocol between the United States and other Powers for the suppression of the abuse of opium and other drugs; signed at The Hague Jan. 23, 1912. Proclamation.	1311

NOTE

Diplomatic correspondence relating to the war of 1914–1918 will be printed in supplementary volumes of "Foreign Relations of the United States."

93072—F R 1915——1

CORRESPONDENCE.

CIRCULARS.

ABROGATION OF PROVISIONS OF CERTAIN TREATIES CONFLICTING WITH THE SEAMEN'S ACT OF MARCH 4, 1915. ACCEPTANCE OF THE ABROGATION BY BOLIVIA AND GREAT BRITAIN.

File No. 711.0021/44a.

The Secretary of State to Ambassador Page.

DEPARTMENT OF STATE,
Washington, May 29, 1915.

SIR: By direction of the President, I enclose herewith a copy of an act of the Congress of the United States, approved March 4, 1915, entitled "An Act To promote the welfare of American Seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea."[1]

It is deemed appropriate that an explanation be made of the origin of the legislation and the causes operating to move Congress to pass the Act of March 4, 1915.

The improvement of the condition of seamen, to bring it into harmony with the enlightened spirit of personal freedom of the modern age, has long been the studious purpose of the Congress of the United States. By the Act of Congress of December 21, 1898, the penalty of imprisonment for desertion of seamen from American vessels in domestic ports and in near-by ports was abolished. That act covered more than nine-tenths of the seamen on American vessels, and antedated by twelve years the resolution of the International Seamen's Congress at Copenhagen in August, 1911, favoring the abolition of imprisonment for desertion wherever prescribed by the laws of maritime nations.

Again, many events occurred immediately prior to the present legislation which have profoundly influenced and moulded public sentiment in favor of stricter regulation of over-seas traffic, relative to the safety of passengers, and as to the necessity for the protection of seamen in their natural rights as a class of laborers, heretofore discriminated against in comparison with the treatment accorded by law to all other classes of workmen. The terrible disaster to the steamship *Titanic*, with the resultant loss of human life,

[1] 38 Stat. L., 1164.

attracted universal attention to the need of further legislation to promote the safety of passengers and seamen. The burning of the *Volturno*, with its disclosure of the lack of life-saving appliances, drilled crews, and of other defective conditions, added to the forces operating to secure remedial legislation. As a result of these tragedies on the high seas, and of the agitation engendered thereby, two great political parties of the United States which express and move public opinion and policy, adopted in their platforms of 1912 declarations respecting the subject. The platform of one contained the following statement:

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws, and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion, or with violation of their contract of service. Such laws and treaties are un-American, and violate the spirit, if not the letter, of the Constitution of the United States.

The platform of the other contained the following:

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude, and that life and property at sea shall be safeguarded by the ample equipment of vessels with life-saving appliances and with full complements of skilled, able-bodied seamen to operate them.

As a consequence of the public sentiment thus manifested, a bill was introduced in the House of Representatives on May 2, 1912, providing, among other things, for the better protection of life at sea, abolishing involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and of involuntary servitude imposed upon seamen of the merchant marine of foreign countries while in ports of the United States. As indicating the views of the Committee on Merchant Marine and Fisheries of the Congress of the United States, to which the bill was referred, the following extract from its Report is quoted:

There is no other portion of our citizens or residents who can be compelled, under penalty of imprisonment, to fulfill a civil contract to labor. The seamen alone remain as the last remnant of serfdom. * * *

It is needless in this age to argue for the right of men to be free. It is an established fact in our fundamental law and should be applied to seamen as well as others. You can not control man's labor without controlling the man himself. If he is to be free, he must have the right to labor or not, as best suits his own judgment or convenience. Labor power is a part of man; it is generated within him and can only be exercised and utilized through his brain power and will. To compel him to use it against his will is to make him to all intents and purposes a slave.

This bill relieves him from that condition. By relieving the seaman from any criminal proceedings for violating a contract to labor, leaving only the civil process as a remedy, you place him exactly in the same position as other workmen, and the result will be to gradually improve the standard of the men who go down to the sea, not only of those in our own shipping, but of those in all ships entering our ports, until it has reached the same standard as that of workmen on land.

While the bill above referred to was not enacted into law, it nevertheless contained in substance the amendments to the navigation laws of the United States subsequently incorporated and passed in the act of March 4, 1915.

Sections 16, 17, and 18 of this Act provide as follows:

SEC. 16. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment

of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment and any other treaty provision in conflict with the provisions of this Act, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within ninety days after the passage of this Act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

SEC. 17. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Kongo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon section fifty-two hundred and eighty and so much of section four thousand and eighty-one of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be, and is hereby, repealed.

SEC. 18. That this Act shall take effect, as to all vessels of the United States, eight months after its passage, and as to foreign vessels twelve months after its passage, except that such parts hereof as are in conflict with articles of any treaty or convention with any foreign nation shall take effect as regards the vessels of such foreign nation on the expiration of the period fixed in the notice of abrogation of the said articles as provided in section sixteen of this Act.

It will be perceived, by the sections above quoted, that it is mandatory upon the President, within ninety days after the passage of the Act, to give notice to the several Governments, respectively, that "so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions."

The period of ninety days thus established will terminate on June 1, next, and it is therefore necessary that such notice be now given to the Government to which you are accredited.

From an examination of the treaties between the United States and Great Britain it appears that the Treaty of June 3, 1892, is affected by the terms of Section 16 of this Act.

Article 1 of the treaty reads as follows:

The Consuls General, Consuls, Vice Consuls and Consular Agents of either of the High Contracting Parties, residing in the dominions, possessions or colonies of the other, shall have power to require from the proper authorities the assistance provided by law for the apprehension, recovery and restoration of seamen who may desert from any ship belonging to a citizen or subject of their respective countries, while in the ports of the other country. If, however, any such deserter shall have committed any crime or offence in the country where he is found, his surrender or restoration may be delayed until the proper tribunal before which the case shall be pending or may be cognizable shall have pronounced its sentence and the sentence shall have been carried into effect.

It is understood that the preceding stipulations shall not apply to the citizens or subjects of the country where the desertion shall take place.

This article is affected by the provisions of Section 16 of the Act of Congress which directs the President, within ninety days of the passage of the Act, to notify all interested foreign Governments of the termination of articles of all treaties providing for the arrest

and imprisonment of seamen deserting from the United States vessels abroad, or foreign vessels in American waters.

The application of the fundamental principles of the Act of Congress to alien seamen within the territorial jurisdiction of the United States involves an abrogation of such treaty provisions as are inconsistent therewith. This, with respect to Great Britain, may be effected without inconvenience inasmuch as the Treaty of June 3, 1892, refers wholly to the matter of deserting seamen and provides in its Article 3 for denouncement by notification.

It is obvious that the Government of Great Britain is aware that sooner or later an amelioration of the legal status of seamen and the practice with regard to their treatment must have come, as a concomitant of the general advance in human liberty in other pursuits, to modify the strictness of the letter of municipal and conventional law existing for centuries in statutes and treaties. That national legislation has been the first to respond to this humane impulse is presumably due to the greater ease of amending local laws; but it is to be expected that international conventional arrangements will not long stand opposed to the complete release of seamen from the artificial restraints upon their personal liberty and pursuit of happiness peculiar to their calling. That so little has heretofore been done in their behalf may be ascribed to the fact that the nature of their calling removes the circumstances and conditions of their lives from the view of the great body of their fellow countrymen in whose regard generally reposes the welfare of individuals.

You are instructed, therefore, to bring this subject to the attention of the Secretary of State for Foreign Affairs and to say to him that, pursuant to the provisions of the Act of March 4, 1915, the Government of the United States hereby gives notice of its intention to abrogate the Treaty of June 3, 1892, with Great Britain, in accordance with the stipulations in the treaty requiring twelve months' notice.

In this connection it is desired that you propose, as the time when such abrogation shall take effect, July 1, 1916—a period of twelve months' notice—so as to render the Act effective in the case of Great Britain simultaneously with other Governments concerned.

I am [etc.]

W. J. Bryan.

File No. 711.0021/44a.

The Secretary of State to Minister O'Rear.[2]

Department of State,
Washington, May 29, 1915.

Sir: By direction of the President, I enclose [and so on, in the same words as in the foregoing instruction to Ambassador Page, to the end of the first paragraph after the quotation of Sections 16, 17 and 18 of the Act of March 4, 1915; from which point this instruction to the Minister to Bolivia (and, mutatis mutandis, to the other missions mentioned in the footnote) continues as follows.]

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[2] The same, mutatis mutandis, to the American missions in Austria-Hungary, Belgium, Brazil, China, Colombia, Denmark, France, Greece, Italy, Netherlands, Norway, Roumania, Spain, and Sweden.

The period of ninety days thus established will terminate on June 1 next, and it is therefore necessary that such notice be now given to the Government to which you are accredited in order that negotiations may be instituted looking to an agreement limiting the effect of the denunciation required by law to the portions of the treaty or treaties which are found to be in conflict with the provisions of the Act. Inasmuch as treaties are contracts between governments, they can only be varied in whole or in part by mutual agreement or special consent. It is the hope, however, of the President that such an agreement can easily be reached which will leave unaffected all parts of the treaties with foreign governments not inconsistent with the humanitarian and progressive provisions of the Act.

From an examination of the treaties between the United States and Bolivia it appears that Article 34 of the Treaty of May 13, 1858, is affected by the terms of Section 16 of the Act.

Article 34 reads as follows.

> The said Consuls shall have power to require the assistance of the authorities of the country for the arrest, detention and custody of deserters from the public and private vessels of their country; and for that purpose they shall address themselves to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessels or ships' roll, or other public documents, that those men were part of the said crews; and on this demand, so proved, (saving, however, when the contrary is proved,) the delivery shall not be refused. Such deserters, when arrested, shall be put at the disposal of said Consuls, and may be put in the public prisons, at the request and expense of those who reclaim them, to be sent to the ships to which they belong or to others of the same nation; but if they be not sent back within two months, to be counted from the day of their arrest, they shall be set at liberty, and shall be no more arrested for the same cause.

This article is affected by the provisions of Section 16 of the Act of Congress which directs the President, within ninety days of the passage of the Act, to notify all interested foreign Governments of the termination of articles of all treaties providing for the arrest and imprisonment of seamen deserting from United States vessels abroad, or foreign vessels in American waters.

The application of the fundamental principles of the Act of Congress to alien seamen within the territorial jurisdiction of the United States involves an abrogation of such treaty provisions as are inconsistent therewith. This, it is hoped, may be effected with but little inconvenience through a willingness on the part of the Government of Bolivia and other Governments with which the United States has treaty provisions on the subject to consent to such an abrogation as will leave intact all the other clauses in the treaties in question, inasmuch as these treaties have so long and so well cemented the cordial relations that have happily prevailed between the United States and her sister nations.

It is obvious that the Government of Bolivia is aware that sooner or later an amelioration of the legal status of seamen and the practice with regard to their treatment must have come, as a concomitant of the general advances in human liberty in other pursuits, to modify the strictness of the letter of municipal and conventional law existing for centuries in statutes and treaties. That national legislation has been the first to respond to this humane impulse is presumably due to the greater ease of amending local laws; but it is to be expected that international conventional arrangements will not long

stand opposed to the complete release of seamen from the artificial restraints upon their personal liberty and pursuit of happiness peculiar to their calling. That so little has heretofore been done in their behalf may be ascribed to the fact that the nature of their calling removes the circumstances and conditions of their lives from the view of the great body of their fellow countrymen in whose regard generally reposes the welfare of individuals.

You are instructed, therefore, to bring this subject to the attention of the Minister for Foreign Affairs and to say to him that, pursuant to the provisions of the Act of March 4, 1915, the Government of the United States hereby gives notice of its intention to abrogate Article 34 of the Treaty of May 13, 1858, with Bolivia, in accordance with the stipulations in the treaty requiring one year's notice following the termination of the specified period of ten years during which the treaty is operative from the date of ratification. In this connection you will explain to the Minister for Foreign Affairs that, while denunciation of a portion of a treaty as required by the Act may not, according to international practice, be made, the President, nevertheless, using the discretion which he deems is granted to him to interpret the Act in the sense contemplated by the Congress, instructs you to propose an arrangement between the two Governments which will effect the purpose of the Act by the abrogation or mere omission of the article referred to.

Further, in this connection, it is desired that you propose, as the time when such abrogation shall take effect, July 1, 1916—a period of twelve months' notice—so as to render the Act effective in the case of Bolivia simultaneously with other Governments concerned, the original terms of whose treaties have expired and which are in all cases subject to termination upon not more than twelve months' notice.

It is believed that the general observations made in a previous part of this instruction will convince the Government of Bolivia of the wise and humane purposes towards which the legislation is directed. That Congress did not contemplate the least infringement of the rights of foreign Governments respecting the control of their merchant marine while in ports of the United States in a manner inimical to those Governments is evident from the reports of the various committees to which the bill was referred before passage.

It is likewise clearly shown by Section 16 of the Act that the intent of Congress was not to disturb the great and valuable treaties now existing between the Government of the United States and other countries, negotiated from time to time with so much care and with so much patience, but by appropriate legislation to correct and regulate the long-existing and varying methods of procedure in matters affecting seamen. That such methods of procedure and standards of conduct towards seamen generally have not advanced, as should have been the case, coincident with the treatment of other classes of labor is believed to be so well established as to need no comment, and the President feels, therefore, that, when all the facts and circumstances attendant upon the passage of the act and of the purposes actuating the Congress in its passage are fully considered by the other Governments whose treaties may be affected in parts, no serious difficulties will be found to exist to delay or to prevent an agreement

for the mere abrogation or omission of the respective articles found to be inconsistent with the provisions of the Act.

The President, although deeply anxious that an agreement be reached with foreign Governments upon this subject, is not concerned as to the particular method by which it may be consummated, whether by signed protocols of conferences, or by mutual exchange of note, as is a common practice in the conduct of many diplomatic affairs of this character. The latter course seems preferable because more easily effected in view of the constitutional requirements that *formal* agreements between the United States and other countries must be submitted to the Senate of the United States for its advice and consent. In this connection, therefore, you may point out to the Minister for Foreign Affairs that such reference to the Senate in the case of a simple exchange of notes will not be necessary, and that such an exchange of notes will be regular and effective because of the authority already granted to the President by Section 16 of the Act to abrogate the portions of the treaties inconsistent therewith. Hence, it will be perceived that the intent of Congress may be fully realized by informal agreements between the Government of the United States and other powers, and that in this way the various important treaties now subsisting may remain in full force and effect, with the exception of the articles relating to seamen.

In bringing this matter to the attention of the Minister for Foreign Affairs, you will hand him a copy of this instruction, and convey to him the earnest hope of this Government that, in the sympathetic consideration which the Government of Bolivia will undoubtedly bestow upon it, means may be found to disturb as little as possible the conventional relations now happily existing between the two countries while effecting the abrogation merely of those clauses of the treaty which are inconsistent with the Act of Congress of March 4, 1915.

I am [etc.]

W. J. Bryan.

Note: The following treaties are affected by the above-mentioned Act, viz:

Austria-Hungary	May 8, 1848
	July 11, 1870
Belgium	March 9, 1880
Bolivia	May 13, 1858
Brazil	December 12, 1828
China	June 18, 1858
Colombia	December 12, 1846
	May 4, 1850
Denmark	July 11, 1861
France	June 24, 1822
	February 23, 1853
Great Britain	June 3, 1892
Greece	November 19, 1902
Italy	May 8, 1878
Independent State of the Kongo	January 24, 1891
Netherlands	January 19, 1839
	May 23, 1878
Norway	July 4, 1827
Roumania	June 17, 1881
Spain	July 3, 1902
Sweden	June 1, 1910
	July 4, 1827

EDITOR'S NOTE.—In addition to the treaties mentioned in the above note, appended to the circular instruction, the following treaties are affected:

German Empire	December 11, 1871
Italy	February 24, 1881
Mecklenburg-Schwerin	December 9, 1847
Prussia	May 1, 1828
Tonga	October 2, 1886

On account of the war, the circular was not sent to the Embassy at Berlin and no action was taken as to the treaties with the German Empire, Mecklenburg-Schwerin and Prussia. As to the treaty of February 24, 1881, with Italy, the same action was taken as in the case of the Treaty of May 8, 1878, mentioned in the note appended to the circular. For the treaty with Tonga, see the next instruction to Mr. Page.

The complete list, therefore, of the treaties mentioned in the instruction, with the articles thereof specifically indicated, is as follows:

Austria-Hungary	May 8, 1848. Article 4.
Austria-Hungary	July 11, 1870. Articles 11 and 12.
Belgium	March 9, 1880. Articles 11 and 12.
Bolivia	May 13, 1858. Article 34.
Brazil	December 12, 1828. Article 31.
China	June 18, 1858. Article 18.
Colombia	December 12, 1846. Article 33.
Colombia	May 4, 1850. Article 3.
Denmark	July 11, 1861. Articles 1 and 2.
France	June 24, 1822. Article 6.
France	February 23, 1853. Articles 8 and 9.
Great Britain	June 3, 1892. The entire treaty.
Greece	November 19, 1902. Articles 12 and 13.
Italy	May 8, 1878. Article 13.
Italy	February 24, 1881. The entire treaty.
Kongo	January 24, 1891. Article 5.
Netherlands	January 19, 1839. Article 3.
Netherlands	May 23, 1878. Articles 11 and 12.
Norway	July 4, 1827. Part of Art. 13; Art. 14.
Roumania	June 17, 1881. Articles 11 and 12.
Spain	July 3, 1902. Articles 23 and 24.
Sweden	July 4, 1827. Part of Art. 13; Art. 14.
Sweden	June 1, 1910. Articles 11 and 12.
Tonga	October 2, 1886. Article 10.

File No. 711.0021/44b.

The Secretary of State to the Minister of Colombia.[3]

DEPARTMENT OF STATE,
Washington, May 29, 1915.

SIR: For your information, I have the honor to enclose a copy of an instruction which has this day been sent to the American Minister at Bogotá in relation to the termination under the Act of Congress of March 4, last, of certain treaty articles concerning the arrest and imprisonment of officers and seamen deserting, or charged with desertion, from the merchant vessels of either country within the jurisdiction of the other.

Accept [etc.]

W. J. BRYAN.

[3] Mutatis mutandis, to the diplomatic representatives at Washington of the other Governments concerned.

File No. 711.0021/44c.

The Secretary of State to Ambassador Page.

DEPARTMENT OF STATE,
Washington, May 29, 1915.

SIR: Referring to the Department's instruction of this day's date, directing you to give notice to the Secretary of State for Foreign Affairs, pursuant to the provision of the Act of Congress of March 4, 1915, of the intention of the Government of the United States to abrogate the Treaty of June 3, 1892, with Great Britain, you are now instructed to inform the Secretary of State for Foreign Affairs that the considerations which made that notice necessary apply equally to Article 10 of the Treaty of October 2, 1886, between the United States and the King of Tonga; and, as the protectorate over the Tonga Islands proclaimed by the Government of Great Britain on May 19, 1900, was subsequently accepted by the United States, you will, pursuant to the provisions of the Act of March 4, 1915, as set forth in the Department's instruction of May 29 above mentioned, give notice to the Secretary of State for Foreign Affairs of the intention of the Government of the United States to abrogate Article 10 of the Treaty of October 2, 1886, between the United States and the King of Tonga, in accordance with the stipulations of the treaty requiring one year's notice, such abrogation to take effect on July 1, 1916.

Article 10 of the Treaty of October 2, 1886, with the King of Tonga reads as follows:

> Should any member of the ship's company desert from a vessel-of-war or merchant vessel of either of the High Contracting Parties, while such vessel is within the territorial jurisdiction of the other, the local authorities shall render all lawful assistance for the apprehension of such deserter, on application to that effect made by the Consul of the High Contracting Party concerned, or if there be no Consul, then by the master of the vessel.

I am [etc.]

W. J. BRYAN.

File No. 711.0021/143.

Ambassador Page to the Secretary of State.

No. 1905.]

AMERICAN EMBASSY,
London, July 29, 1915.

SIR: With reference to the Department's unnumbered instruction of May 29, 1915, in which denunciation is given by the United States of the Treaty of June 3, 1892, between Great Britain and the United States relative to merchant seamen deserters, I have the honor to inform you that I am to-day in receipt of a note from the Foreign Office stating that the British Government have taken note of the matter and that they agree to the proposed date, July 1, 1916, as that on which such abrogation shall take effect.

I have [etc.]

WALTER HINES PAGE.

File No. 711.242.

Chargé Belden to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
La Paz, October 6, 1915.

Referring to Department's instruction of May 29. Bolivian Government, through notes exchanged with Legation, accepts abrogation of Article 34 of the Treaty of Amity, Commerce and Navigation of May 13, 1858, to take effect July 1, 1916.

BELDEN.

POSTPONEMENT OF THE OPENING OF THE PANAMA CANAL.

File No. 811f.812/706a.

To the Diplomatic Officers of the United States in Chile, Costa Rica, Paraguay, Peru and Venezuela.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1915.

Say to the Minister for Foreign Affairs that the President regrets exceedingly that because of the stress of public business he will be unable to carry out his desire to go to Panama in March next and that in consequence the formal celebration of the opening of the Canal will be postponed and he will be denied the pleasure he had looked forward to of meeting his excellency the Minister for Foreign Affairs that month; that it is expected that the ceremonies will take place in July and that the President indulges the hope that his excellency, by accepting the invitation which the President confidentially expects to extend for this later period, will then give him the pleasure of making his excellency's personal acquaintance and the opportunity to discuss with him affairs of mutual benefit to both countries. Announcement will be made publicly in few days.

BRYAN.

File No. 811f.812/706a.

To the Diplomatic Officers of the United States in Denmark, Greece, Guatemala, Honduras, Japan, Nicaragua, Panama, and Uruguay.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1915.

Communicate following to Minister for Foreign Affairs:

The President of the United States regrets exceedingly that because of stress of public business he will be unable to go to Panama in March next and that in consequence the formal celebration of the opening of the Panama Canal will be postponed. It is expected

however that the ceremonies will take place in July, of which the Government to which you are accredited will be seasonably informed. The President highly appreciates the courtesy of the Government in accepting the invitation to be represented in this celebration by a representative and he indulges the hope that, in no wise inconvenienced by this unavoidable postponement and moved by the same friendly consideration for the Government of the United States, it may be pleased to determine that its participation in the event shall in no wise be affected by the postponement. Announcement will be made publicly in few days.

BRYAN.

File No. 811f.812/706a.

To the Diplomatic Officers of the United States in Argentina, Bolivia, Cuba, Dominican Republic, Ecuador, Guatemala, Honduras, Nicaragua, Panama, Salvador and Uruguay.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1915.

Say to Minister for Foreign Affairs that the President regrets exceedingly that because of the stress of public business he will be unable to carry out his desire to go to Panama in March next and that in consequence the formal celebration of the opening of the Canal will be postponed and he will be denied the pleasure he had looked forward to of meeting his excellency that month; that it is expected, however, that the ceremonies will take place in July; that the President highly appreciates his excellency's expressed willingness to go to Panama and indulges the hope that his excellency, by accepting the invitation which the President confidently expects to extend for this later period, will then afford him the opportunity of making his excellency's personal acquaintance and to discuss with him affairs of mutual benefit to both countries. Announcement will be made publicly in few days.

BRYAN.

File No. 811f.812/706a.

The Secretary of State to Ambassador Willard.[4]

[Circular—Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1915.

Communicate following to Minister for Foreign Affairs.

The President of the United States regrets exceedingly that because of stress of public business he will be unable to go the Panama in March next and that in consequence the formal celebration of the opening of the Panama Canal will be postponed. It is expected however that the ceremonies will take place in July, of which the Gov-

[4] Mutatis mutandis, to the diplomatic officers of the United States in Argentina, Chile, Cuba, Peru, and Portugal.

ernment of Spain will be seasonably informed. The President highly appreciates the courtesy of the Government of Spain in accepting the invitation to be represented in this celebration by a naval vessel and representative, and he indulges the hope that, in no wise inconvenienced by this unavoidable postponement and moved by the same friendly consideration for the Government of the United States, the Government of Spain may be pleased to determine that its participation in the event shall in no wise be affected by its postponement. Announcement will be made publicly in few days.

BRYAN.

File No. 811f.812/756a.

The Secretary of State to the Japanese Ambassador.

DEPARTMENT OF STATE,
Washington, February 2, 1915.

MY DEAR MR. AMBASSADOR: The President of the United States regrets exceedingly that because of the stress of public business, he will be unable to go to Panama in March next, and that in consequence the formal celebration of the opening of the Panama canal will be postponed.

It is expected, however, that the ceremonies will take place in July, of which the Government of Japan will be seasonably informed.

The President highly appreciates the courtesy of the Government of Japan in accepting the invitation to be represented in this celebration, and by his direction the American Ambassador at Tokyo has by cable been instructed to express to that Government the President's hope that, in no wise inconvenienced by this unavoidable postponement and moved by the same friendly consideration for the Government of the United States, the Government of Japan may be pleased to determine that its participation in the event shall in no wise be affected by this postponement.

I am [etc.]

W. J. BRYAN.

File No. 811f.812/756a.

The Secretary of State to the Ambassador of Austria-Hungary.

DEPARTMENT OF STATE,
Washington, February 2, 1915.

MY DEAR MR. AMBASSADOR: The President of the United States regrets exceedingly that because of the stress of public business, he will be unable to go to Panama in March next, and that in consequence, the formal opening of the Panama Canal has been postponed.

I am [etc.]

W. J. BRYAN.

File No. 811f.812/756a.

To the Diplomatic Officers of the United States in Latin America.

[Circular—Telegram.]

DEPARTMENT OF STATE,
Washington, April 23, 1915.

The President has found it impossible to proceed to Panama in July, and in consequence the proposed ceremonies attending the cele-

bration of the opening of the Panama Canal have been abandoned. The President, therefore, regrets that he is unable to extend to the Ministers of Foreign Affairs of the American Republics the invitation mentioned in Department's telegram January 16th [sic] last.

BRYAN.

File No. 811f.812/756a.

To the Diplomatic Officers of the United States in Denmark, Greece, Guatemala, Honduras, Nicaragua, Panama and Uruguay.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 3, 1915.

Department's telegram January 28 last. Communicate following to Minister of Foreign Affairs:

In view of intention that celebration formal opening Panama Canal should be a fête in which whole world could take part, as it was to commemorate opening of waterway for use of all nations, and because of present distressing conditions throughout world, the Congress of the United States decided that, as this was not a moment when nations of the world desired to participate in an international fête, it was desirable to abandon original plan. The President, therefore, will not proceed to Panama in July, and the ceremonies will accordingly not take place.

BRYAN.

File No. 811f.812/774b.

To the Diplomatic Officers of the United States.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 19, 1915.

Advise Foreign Office continued movements of sliding material in Panama Canal make it impossible to predict approximate date of reopening Canal. Think best to notify all shipping sailing Panama route not advised until further notice, which will be given as soon as material is removed sufficiently to insure stable conditions.

LANSING.

PAN AMERICAN MEDICAL CONFERENCE.

File No. 512.81D7.

DEPARTMENT OF STATE,
Washington, March 9, 1915.

To the Diplomatic Officers of the United States in Latin America.

GENTLEMEN: By an Act of Congress approved March 4, 1915, the President is authorized to extend invitations to the Governments of Central and South America, the Dominican Republic and Cuba, to be represented by official delegates at the meeting of the Pan Ameri-

can Medical Congress to be held in the City of San Francisco, California, Panama-Pacific International Exposition, from June 17 to 21, inclusive, 1915.

You will accordingly extend to the Governments to which you are respectively accredited a cordial invitation to be represented by delegates at the Congress mentioned; and in doing so you will add an expression of the pleasure with which the Government of the United States will learn of the acceptance of the invitation.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

INTERNATIONAL CONGRESS ON EDUCATION.

File No. 542D1.

DEPARTMENT OF STATE,
Washington, March 12, 1915.

To the Diplomatic Officers of the United States.

GENTLEMEN: By a Joint Resolution of Congress approved February 23, 1915, the President of the United States is authorized to extend invitations to foreign Governments to appoint honorary vice presidents and to otherwise participate in the International Congress on Education, to be held at Oakland, California, from August 16 to 27, 1915, in connection with the Panama-Pacific International Exposition.

You will accordingly extend to the Governments to which you are respectively accredited a cordial invitation to be represented at the Congress mentioned by representatives who are to act as honorary vice presidents of the Congress and to take part in its proceedings; and in doing so you will add an expression of the pleasure with which the Government of the United States will learn of the acceptance of the invitation.

The Congress is to be held under the auspices of the National Education Association of the United States and the United States Commissioner of Education is the Chairman of the Executive Committee of the Congress.

Printed copies of the announcement of the Congress, indicating the subjects to be considered, are enclosed herewith.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

INTERNATIONAL ENGINEERING CONGRESS.

DEPARTMENT OF STATE,
Washington, April 1, 1915.

To the Diplomatic Officers of the United States.

GENTLEMEN: By a provision of law contained in the Diplomatic and Consular Appropriation Act approved March 4, 1915, the President is authorized to extend invitation to foreign governments to appoint delegates or representatives to attend the International Engineering Congress to be held at San Francisco, Cal., from September 20 to September 25, 1915.

You will accordingly extend to the governments to which you are respectively accredited a cordial invitation to be represented by delegates or representatives at the Congress mentioned. In doing so you will add an expression of the pleasure with which the Government of the United States will learn of the acceptance of the invitation.

The Congress is to be conducted under the auspices of five national engineering societies. The American Society of Civil Engineers; the American Institute of Mining Engineers; the American Society of Mechanical Engineers; the American Institute of Electrical Engineers; and the Society of Naval Architects and Marine Engineers.

Maj. Gen. George W. Goethals, U. S. Army, has consented to act as Honorary President of the Congress, and it is expected that he will preside over the general sessions of the Congress, which will be held in the Memorial Auditorium, San Francisco, Cal.

The Chairman of the Committee of Management of the Congress is Prof. W. F. Durand, of Leland Stanford, jr., University, California.

The general field of engineering to be covered by the Congress has been divided into ten groups which with the special field of the Panama Canal will constitute the program during the Congress.

Each of the following-named eleven sections will hold independent sessions, with general sessions to consider matters of world-wide importance:

Panama Canal.
Waterways and Irrigation.
Railways.
Municipal Engineering.
Materials of Engineering Construction.
Mechanical Engineering.
Electrical Engineering.
Mining Engineering.
Naval Architecture and Marine Engineering.
Military Engineering.
Miscellaneous.

The proceedings of this Congress will be printed in eight or ten volumes covering all of the important phases of engineering work.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

INTERNATIONAL DRY FARMING CONGRESS.

File No. 561.14A10/3.

DEPARTMENT OF STATE,
Washington, April 12, 1915.

To the Diplomatic Officers of the United States.

GENTLEMEN: Pursuant to a provision of law contained in the Agricultural Appropriation Act approved March 4, 1915, you will extend to the governments to which you are respectively accredited an invitation to be represented by delegates or representatives at the Inter-

national Dry Farming Congress to be held at Denver, Colorado, from September 27 to October 8, 1915.

In doing so you will explain that the International Dry Farming Congress has for its purpose the spread of knowledge concerning better farming methods, especially in regions having light or irregular rainfall, and primarily the teaching of conservation of moisture through scientific tillage methods; and you will express the hope that the invited governments may deem it of advantage to be represented at the Congress.

In connection with the Dry Farming Congress there will be held the International Soil Products Exposition, participation in which by the nations of the world will be welcomed by the management of the Dry Farming Congress.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

SECOND PAN AMERICAN SCIENTIFIC CONGRESS.

DEPARTMENT OF STATE,
Washington, April 19, 1915.

To the Diplomatic Officers of the United States accredited to Latin American Countries.

GENTLEMEN: You have received previous communications from the Department in re the Second Pan American Scientific Congress which is to be held under the auspices of the United States Government in Washington, D. C., December 27, 1915, to January 8, 1916. The First Congress, meeting in Santiago, Chile, in 1908, highly honored this Government by the generous and unsolicited act of designating Washington as the meeting place of the next Congress. It is desirable, therefore, that the diplomatic representatives of the United States to the participating foreign countries do all in their power to assist in making this Second Congress what it promises to be—a great Pan American gathering—where not only scientific matters of Pan American interest will be discussed by the leading scientists of these countries, but where, through the character of the persons, societies, and institutions designated to represent them, will be established more intimate relations on the basis of a common interest in science, culture, and economic progress.

The First Pan American Scientific Congress, in designating Washington as the next place of meeting, appointed certain visiting delegates from the United States members of the Executive Committee, charged with the organization and procedure of the Second Congress. These gentlemen, with certain others elected by them, constitute the Executive Committee of the Second Pan American Scientific Congress. The Honorable William Phillips, Third Assistant Secretary of State, is Chairman ex officio of the Executive Committee. This Executive Committee, among other duties, will appoint the Honorary Presidents and Vice Presidents, who are to be selected from the participating countries. The Director General of the Pan American Union, Mr. John Barrett, a member of the Executive Committee, has accepted the post of Secretary General of the Congress, and Dr. Glen Levin Swiggett, Professor of Romance Languages in the Uni-

versity of Tennessee, has been appointed Assistant Secretary. The Governing Board of the Pan American Union has signally complimented the Congress by tendering the use of its handsome building for the offices and sessions of the Congress.

This Government has perfected its local organization. Proceeding under the direction of the Executive Committee, in cooperation with the Secretary General, a committee has been designated to invite preparation of papers on topics of special interest and pertinent to the subject-matter of the nine program sections. These sections are as follows:

I. Anthropology;
II. Astronomy, Meteorology, and Seismology;
III. Conservation of Natural Resources, Agriculture, Irrigation, and Forestry;
IV. Education;
V. Engineering;
VI. International Law, Public Law, and Jurisprudence;
VII. Mining and Metallurgy, Economic Geology, and Applied Chemistry;
VIII. Public Health and Medical Science;
IX. Transportation, Commerce, Finance, and Taxation.

Following my cablegram of instructions of the 17th instant that it is most expedient that a similar committee, to act as a cooperating committee with the Executive Committee of the United States, be appointed at once in the several participating countries, this communication is sent to you with the request that you urge the Government to which you are accredited to appoint, without delay, such an executive or cooperating committee, if it has not already done so.

The members of this committee should then be immediately informed of the urgent necessity that steps be taken at once to see that their government and country are properly represented at the Congress by contributed papers and visiting delegates. It is hoped further that these committees of the several countries will fully cooperate with the Executive Committee and the Secretary General of the Congress at Washington in preparing a list of persons to be invited to submit papers and in making sure that their government and country are adequately represented at the Congress by persons chosen from among its leading scientific organizations, educational institutions, and learned societies.

The following persons will be members of the Congress: I. The official delegates of the governments represented; II. The representatives of the universities, institutions, societies, and scientific bodies of the countries represented; III. Such persons in the countries participating in the Congress as may be invited by the Executive Committee with the approval of the governments represented and their cooperating committees.

There will be forwarded to you immediately copies of the Preliminary Program of the Congress in English and Spanish (or, in the case of Brazil, English and Portuguese), which you are requested to transmit to the proper persons. As soon as a special mailing list of individuals can be prepared for the different countries, copies of this program will be forwarded directly to those individuals. You will cable the names and addresses of the members of the

local cooperating committee as soon as they shall have been appointed by the Government to which you are accredited. Such committees are requested, moreover, to communicate directly with the Secretary General of the Pan American Scientific Congress at the offices of the Congress in the Building of the Pan American Union, Washington, D. C. If it is found desirable to communicate with the Secretary General by cable, the code address is "Pau, Washington."

I am [etc.]

W. J. BRYAN.

FIRST PAN AMERICAN FINANCIAL CONFERENCE AND HIGH COMMISSION.

File No. 810.51/309b.

DEPARTMENT OF STATE,
Washington, July 10, 1915.

To the Diplomatic Officers of the United States in Latin America.

GENTLEMEN: At the Pan American Financial Conference, recently held at Washington,[5] the recommendation was made by the Committee on Uniformity of Laws that the Minister of Finance of each of the countries represented should appoint a High Commission consisting of nine men to consider the subject of uniformity of laws relating to bills of exchange, consular invoices, and various other things, the intention being that the Commissions so appointed are to constitute an International High Commission, of which the Minister of Finance or the Secretary of the Treasury of each country is to be the Chairman of the Commission for his own country. The idea is to have a meeting of this International High Commission on the 1st day of November next in Buenos Aires for the purpose of considering the subjects of uniformity of laws, the reaching of definite conclusions by the actual formulation of such measures as are to be recommended for adoption by each of the countries concerned, and then having the High Commission of each country actively prosecute the work in its country for the enactment of such measures into laws. The Commission for the United States, of which the Secretary of the Treasury is Chairman, has already been appointed.

Pending the proposed conference in Buenos Aires, carefully prepared briefs will be made on the various subjects involved and forwarded to the High Commission of each of the Latin American Republics. It is our hope to send these briefs to each country before the 15th of August next, thus giving the High Commission in each country the opportunity of studying the briefs and of securing from their respective governments indication of the extent to which it is likely that such measures for uniformity of laws are acceptable, so that when the International High Commission meets on November 1st next opinion will be so largely crystallized that definite results may be promptly expected. There is enclosed herewith, for delivery by you, a letter addressed by the Secretary of the Treasury to the Minister of Finance of the country of your sojourn, requesting certain material for the United States section of the International High Commission.

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[5] See p. 1310, International expositions, conferences and congresses.

On the 19th day of June last the Secretary of the Treasury addressed to each delegation from the States of South and Central America a communication outlining the future work to be done, explaining the plans for the creation of the International High Commission and making suggestions for the meeting of the Commission at Buenos Aires on the 1st day of November next. Twenty-eight prints of the letter in English and a like number in Spanish you will find enclosed. It is desired to have you send through the proper channels one copy in each language to the Minister of Finance. You will retain one copy of each for your files, and the remainder you will hand either directly or through the consular officers to such representative men as you or they think are interested and will be helpful in prosecuting the outlined plans.

The Department can not lay too much stress on the importance it attaches to the diplomatic and consular officers in Latin America fully informing themselves regarding the Pan American Financial Conference, and especially about the plans for future work; and it does not doubt that they will familiarize themselves with the contents of Secretary McAdoo's letter of June 19, and will give their earnest cooperation and utmost endeavor in keeping alive in their respective jurisdiction interest in the future work of the Conference.

While the recommendation of the Pan American Financial Conference contemplates the appointment in each country of a High Commission consisting of nine men, and it is deemed highly desirable that a Commission of this number be constituted in each country, it is thought that some of the countries might not care to go to the expense of sending so large a number as nine to the proposed Buenos Aires Conference. The Department has, therefore, thought it expedient to instruct you by cable to-day to inform through the proper channels the Minister of Finance of the governments to which you are accredited that it will not be necessary that each country send to the proposed Conference at Buenos Aires the entire nine men constituting its Commission, but that each country may be represented at this Conference by one or more of the members of its High Commission, the Minister of Finance in each case to designate the number and to select the representatives of his own country.

This instruction in so far as its provisions may be pertinent to consular action is to be deemed as applicable to consular officers as well. Extra copies thereof are enclosed in order that you may send one copy, together with one print of Secretary McAdoo's letter in each language, to each of the consular officers in your jurisdiction, to the end that they may be governed thereby and will give their cooperation and endeavor in promoting this highly important movement.

I am [etc.]

ROBERT LANSING.

File No. 810.51/309c.

DEPARTMENT OF STATE,
Washington, July 29, 1915.

To the Diplomatic Officers of the United States in Latin America.

GENTLEMEN: In carrying out the Department's wishes expressed in its circular instruction of July 10, 1915, that diplomatic officers in Latin America fully inform themselves regarding the Conference of American financiers recently held in this city, and especially with

regard to its outcome and its plans for future work and accomplishments, I transmit herewith a number of memoranda by foreign delegates and American officials which will give you a concrete understanding of what was accomplished at this important gathering and its future aims in reaching a uniformity of laws governing bills of exchange and other monetary matters throughout the Americas.

It is hoped that you will familiarize yourself with the enclosed pamphlets to enable you to discuss fully and ably financial questions with the High Commission of the country to which you are accredited in arousing and maintaining interest in the coming International High Commission, which is to meet in Buenos Aires in November next.

The Department has from time to time impressed you with the importance of your assistance in carrying out the plans started at the Conference in May last and I may assure you that in the appointment of a High Commission and adequate representation at Buenos Aires much rests with your interest and activity in that direction.

In the Department's circular instruction above referred to, it was stated that it was hoped that briefs on the various subjects to be dealt with at the meeting of the International High Commission could be sent to you by August 15. It is found that it will not be possible to send these briefs until about the middle of the following month, September.

I am [etc.]

ROBERT LANSING.

File No. 810.51/341.

The Acting Secretary of State to American Missions in Latin America.

[Circular telegram.]

DEPARTMENT OF STATE,
Washington, September 18, 1915.

Secretary Treasury says inevitable delays make it desirable to propose postponement conference Buenos Aires from November 1915 to April 1916. Consult Government to which you are accredited and cable promptly if entirely agreeable to fix April 3, 1916, for meeting International High Commission Buenos Aires. If postponement decided upon, Second Financial Conference may be postponed until 1917.

FRANK L. POLK.

File No. 810.51/372a.

The Acting Secretary of State to the Ambassdor of Argentina.

DEPARTMENT OF STATE,
Washington, September 23, 1915.

MY DEAR MR. AMBASSADOR: Owing to unavoidable delays in the designations of the High Commissions of several of the Latin American Republics, and the preparation of papers upon financial subjects for discussion at the conference of the International High Commission at Buenos Aires, the Secretary of the Treasury has, through this

Department, proposed to the Governments of these countries that the conference be postponed from November, 1915, to April, 1916, and that, if entirely agreeable, April 3 of that year be fixed as the opening date.

This proposition has met with the concurrence of the Governments of Chile, Honduras, Nicaragua, Panama and Salvador, and it is expected that in the next day or two the Governments of all the countries to be represented at the conference of the International High Commission will have been heard from.

If the postponement of the conference is decided upon, as is now expected, the second conference of American financiers will be postponed until 1917, in order that an appropriate period may elapse between the two meetings.

I bring this to your knowledge in the desire to keep you fully informed regarding this important matter.

I am [etc.]

FRANK L. POLK.

File No. 810.51/378.

The Secretary of State to the American Missions in Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Panama, Paraguay, Peru, Uruguay.

[Circular telegram.]

DEPARTMENT OF STATE,
Washington, October 6, 1915.

The Secretary of Treasury says:

In order to arrange program for April meeting of International High Commission, United States Section earnestly solicits from each of the other sections early suggestions of questions and measures requiring immediate consideration and especially a full and free statement of any changes in United States laws, regulations and practices that would facilitate closer financial and commercial relations.

LANSING.

File No. 810.51/448a, 462a.

The Secretary of State to the American Missions in Latin America.

[Circular telegram.]

DEPARTMENT OF STATE,
Washington, December 13, 1915.

Inform Minister Foreign Affairs, for transmission to Minister of Finance, that United States Section, International High Commission, at meeting held December 1 adopted resolutions suggesting to Argentine Government inclusion following topics program Buenos Aires meeting International High Commission April next:

1. Transportation.
2. Improved banking facilities; extension of credits; financing of enterprises, public and private.
3. Stabilizing international exchange.
4. Arbitration commercial disputes.
5. Negotiable instruments; bills lading; warehouse receipts.
6. Uniformity of customs regulations; classification merchandise.

7. Postage rates; parcel post; money order facilities.
8. Cable rates; wireless telegraphy.
9. Commercial travelers' samples.
10. Trademarks; copyright; patents.

LANSING.

RADIO COMMUNICATION IN THE AMERICAN HEMISPHERE.

File No. 810.74.

DEPARTMENT OF STATE,
Washington, October 13, 1915.

To the Diplomatic Officers of the United States accredited to Latin American Governments (Panama for information only).

GENTLEMEN: In view of the influence which radio communication will increasingly exert upon the relations between the countries of this hemisphere, the Department of State has long been interested in the development of the wireless telegraph and telephone systems in Latin-American countries, whether conducted by Government operation or private enterprise.

It is a matter of public knowledge that in certain Central and South American countries there are radio stations, of both high and medium power, which have been erected by European capital and which are, to some extent, if not entirely, operated and controlled by European companies. The Department therefore believes it to be to the mutual advantage of the American Governments, and the moment opportune, to call to their attention the complications with which the present situation is fraught, should unwarranted use of such radio stations be cited as an alleged violation of neutrality, and the importance which this Government attaches to the effort that the ownership and control of radio communication shall not pass beyond this hemisphere and into European or Asiatic hands.

The Department would accordingly be inclined to look with favor, and believes that the other American Governments would share this view, upon any mutually acceptable agreement whereby the control of this vitally important method of communication between the American continents might rest wholly in sympathetic and disinterested hands, thus realizing another conception of a broad and beneficent Pan-Americanism. The Department is further of the opinion that an exchange of views upon this matter might properly take place during the forthcoming Pan-American Scientific Congress, the duly accredited delegates to which might be instructed by their Governments to discuss it in an informal conference called for this purpose.

You are therefore directed to bring, informally and preferably orally, to the attention of the Government to which you are accredited the substance of this instruction. In discussing the subject it would not be irrelevant to direct attention to the very high development and success of the wireless installations in operation in this country.

In reporting, in triplicate, regarding your representations in this regard and the attitude of the Government toward the policy outlined, you will add the results of your discreet inquiry regarding the wireless stations now in operation in the country of your residence, those under construction, those proposed to be constructed, and the nationality of those owning, controlling, and operating them, bearing

in mind that the erection of radio stations in such countries by American capital and with American apparatus might lead to an agreement by which such stations could be used in communicating with the United States shore and ship stations. The Department desires your active and continued interest in the matter.

I am [etc.]

ROBERT LANSING.

CONDITIONS OF ENLISTMENT OF AMERICANS IN FOREIGN ARMIES INVOLVING THEIR EXPATRIATION.[6]

File No. 136./32.

[Circular notice to applicants for passports.]

Enlistment of Americans in foreign armies.

The Department has received a number of inquiries from people in the United States asking whether enlistment in a foreign army by a citizen of the United States is evidence that he has expatriated himself and whether it is a breach of his duty as a citizen of the United States to enlist in a foreign army.

The law relative to expatriation (Sec. 2, Act of Mar. 2, 1907) says:

> That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state.

Therefore, when service in a foreign army involves taking an oath of allegiance to a foreign state, an American citizen who enters such service must be deemed to have expatriated himself.

Service in some foreign armies and in some branches of some foreign armies does not require an oath of allegiance to a foreign state. On the other hand, an oath of allegiance is required as a condition of service in other foreign armies. The Department can not give authentic information on the subject of foreign requirements in this respect, because of their variation and because they are subject to changes.

The Department does not undertake to prescribe the duty of an individual with reference to his citizenship. It is of opinion, nevertheless, that the observance of neutrality in the conflict now engaging certain European powers requires American citizens to avoid participation in those conflicts.

DEPARTMENT OF STATE,
Washington, November 1, 1915.

ATTITUDE OF THE UNITED STATES TOWARDS LATIN AMERICA.

File No. 710.11/242.

DEPARTMENT OF STATE,
Washington, December 20, 1915.

To the Diplomatic Officers of the United States in Latin America.

GENTLEMEN: There is herewith enclosed for your information and for dissemination in the press of the country to which you are ac-

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[6] See For. Rel. 1914, p. 17.

credited a copy of a translation in Spanish [7] of those portions of the Annual Message of the President of the United States to Congress, delivered before that body on December 7, 1915, which refer to matters of Pan-American importance.[8]

In view of the interest which the Department believes will be evinced throughout the country of your residence in this important utterance, you will arrange for its publication in such journals of the Capital as you may deem fit, and also transmit a copy thereof to the Consular officers within your jurisdiction, directing them likewise to arrange for its publication in their respective localities.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

APPLICATION OF SECTION 13 OF THE SEAMEN'S ACT OF MARCH 4, 1915, TO FOREIGN VESSELS.

File No. 711.0021/69.

DEPARTMENT OF STATE,
Washington, December 31, 1915.

To the Diplomatic Officers of the United States accredited to Maritime Countries.

GENTLEMEN: In accordance with a suggestion made in a letter of the Department of Commerce dated the 16th instant, I enclose herewith two copies of that Department's circular No. 268 with reference to the application of certain provisions of Section 13 of the Seamen's Act to foreign vessels in trade with the United States.

You will transmit one of the copies to the Government to which you are respectively accredited, retaining the other for the files of your mission.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

[Inclosure.]

DEPARTMENT OF COMMERCE,
Washington, December 14, 1915.

Department Circular No. 268.]

To Collectors of Customs, Supervising and Local Inspectors, Steamboat-Inspection Service, and Others Concerned:

Section 13 of the Seamen's Act of March 4, 1915, will apply to all foreign vessels of 100 tons gross and upwards (except those navigating rivers exclusively and the smaller inland lakes and except fishing or whaling vessels or yachts) which depart from any port of the United States on or after March 4, 1916.

2. The section provides that 40 per centum in the first year after that date, 45 per centum in the second year, 50 per centum in the third year, 55 per centum in the fourth year, and thereafter 65 per centum of the vessel's deck crew, exclusive of licensed officers and apprentices, shall be of a rating not less than able seaman.

3. An able seaman, to conform to the requirements of the section, must have the following qualifications:

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[7] In Portuguese as sent to the Embassy at Rio de Janeiro; and in French to the Legation at Port au Prince.

[8] See the Address of the President, ante.

(a) He must be 19 years of age or upward.

(b) He must have had at least three years' service on deck at sea or on the Great Lakes on a vessel or vessels of 100 tons gross or upward, including decked fishing vessels (not including vessels navigating rivers exclusively and smaller inland lakes, and not including whaling vessels or yachts or fishing vessels, unless the fishing vessels are decked fishing vessels). Service on deck in foreign naval vessels or foreign vessels similar to vessels of the United States Coast Guard may be included.

(c) He must have been found competent upon examination as to eyesight, hearing, and physical condition under rules prescribed by the Department of Commerce. The rules so prescribed are set forth in Form 983, Steamboat-Inspection Service, File S. This examination in the case of able seamen on foreign vessels may be conducted by the proper authorities of the country of which the seamen are citizens or subjects.

(d) Section 13 also provides for a special class of able seamen who may compose not more than one-fourth of the number of able seamen required on a vessel. Able seamen may qualify for this special class after having served on deck twelve months at sea or on the Great Lakes, but in addition to the examination mentioned in paragraph (c), they must have been found competent upon examination as to knowledge of the duties of seamanship under rules prescribed by the Department of Commerce. The rules so prescribed are set forth in Commerce Department Circular No. 264, second edition, Steamboat-Inspection Service. This examination in the case of able seamen on foreign vessels may be conducted by the proper authorities of the country of which the seamen are citizens or subjects.

4. Section 13 does not require that able seamen on foreign vessels shall be furnished with certificates as such. The section, however, does provide that a Collector of Customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States, setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section.

Accordingly, it may facilitate the despatch of foreign vessels from American ports, if the necessary proportion of the deck crews are so certificated, thus preventing the delay necessary to ascertain by inquiry and examination whether in fact the necessary number of the deck crew are able seamen within the intent of the section.

5. Certificates issued to able seamen by competent authorities of the countries of which the seamen are citizens or subjects will be accepted by Collectors of Customs as evidence that the able seamen so certificated comply with the requirements of Section 13 of the Seamen's Act. These certificates should certify that the able seaman is of the prescribed age, has had the prescribed sea service, and has passed the examination as to eyesight, hearing, and physical condition, and, for the special class of short-term service men, has also passed the examination as to knowledge of the duties of seamanship.

6. This circular does not apply to able seamen on foreign vessels on the Great Lakes, who will be covered by another circular to be issued before the opening of navigation on the Great Lakes in the spring.

WILLIAM C. REDFIELD.

ARGENTINA.

FIRST PAN AMERICAN FINANCIAL CONFERENCE AND HIGH COMMISSION.

(*See* Circulars. *See also* International expositions, conferences and congresses.)

MESSAGE OF THE PRESIDENT, VICTORINO DE LA PLAZA, TO THE CONGRESS.

File No. 835.032/15.

Ambassador Stimson to the Secretary of State.

[Extract.]

AMERICAN EMBASSY,
No. 45.] *Buenos Aires, May 12, 1915.*

SIR: I have the honor to report that on Monday, May 10, I assisted at the formal opening of Congress by the President of the Nation, and enclose herewith a copy of the message which he read on that occasion. * * *

I have [etc.]

F. J. STIMSON.

[Inclosure—Extract—Translation.]

At the opening of your last ordinary session, I communicated to you the steps that had been taken by the Argentine Government, in conjunction with the Governments of Brazil and Chile, to arrive at a solution of the armed conflict that had a short time previously arisen between the United States of America and Mexico. I said to you then: "It will be a great day for America when peace is reestablished between these nations, through a friendly mediation which aims at terminating a conflict which is contrary to the spirit of solidarity and of harmony, linked together in a community of sentiment in the Pan-American Congresses."

This desire has been realized, and in a measure beyond that which in our most optimistic moods we thought possible. When the conference met at Niagara Falls the representatives of the belligerent countries approached the study of their subject in an atmosphere of the greatest harmony, under the auspices of the diplomats of the mediating countries. The high spirit of equanimity which presided at the meetings allowed both parties to find a solution of their problems worthy of both adversaries, and as a consequence, a peace protocol was signed, whose stipulations were accepted without protest and carried out loyally. In this way, a conflict that had led to the outbreak of hostilities and which threatened the serenity of the whole continent was peacefully and decorously settled.

I have reason to think that the solution so happily arrived at in this case has met with equal sympathy both in the two countries concerned and in the three nations which lent the weight of their moral influence to the mediation.

Shortly after the signing of the protocol, the United States Government and the Government of Mexico expressed their gratitude to the mediators in cordial and effusive terms, significant for the unanimity they evidenced and for the marks of spontaneity they bore.

From the first moment our chancellery accepted the proposition of the United States to establish closer financial relations between the Republics of America. When we were invited to send a representative to the Financial Congress shortly to be held in Washington for the purpose, the Executive Power appointed Mr. Samuel Hale Pearson, director of the Bank of the Nation, and Dr. Ricardo C. Aldao, former Minister of Finance for the Province of Buenos Aires, as delegates to represent the Argentine Government in this important conference, at which consideration will not only be given to banking matters but to transport and commerce between the various countries concerned.

You were duly informed of the invitation of the United States to this Government to raise the grading of their respective diplomatic representations. This proof of friendly deference was peculiarly agreeable to the Executive Power, for it meant that the progress made by our country in the realm of the moral and the material was recognized by the powerful Republic of the north.

To fill the new role, the North American Government has appointed Dr. Frederic J. Stimson, a distinguished citizen and one exceptionally well fitted to assume the position. We have appointed Dr. Rómulo S. Naón to represent us at Washington, where he was formerly our Minister Plenipotentiary, a man whose earlier capability and skill and whose brilliant work elected him for the post.

The creation of these two Embassies is a mile-stone on the road of our diplomatic progress. It is significant of the state of our international standing, and it binds us still closer to the United States of America, already linked to this Republic by a similar act.

BOLIVIA.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND BOLIVIA.

Signed at Washington, January 22, 1914: ratification advised by the Senate, August 13, 1914; ratified by the President, January 4, 1915; ratified by Bolivia, November 14, 1914; ratifications exchanged at Washington, January 8, 1915; proclaimed, January 9, 1915.

Treaty Series No. 606.]

By the President of the United States of America.

A PROCLAMATION.

Whereas, a Treaty between the United States of America and the Republic of Bolivia looking to the advancement of the cause of general peace was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-second day of January, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Republic of Bolivia, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States, the Honorable William Jennings Bryan, Secretary of State; and

The President of Bolivia, Señor Don Ignacio Calderon, Envoy Extraordinary and Minister Plenipotentiary of Bolivia to the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

Article I.

The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II.

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. Each of the High Contracting Parties shall have the right to remove, at any time before investigation begins, any Commissioner selected by it and to name his successor, and under the same conditions shall also have the right to withdraw its approval of the fifth Commissioner selected jointly; in which case a new Commissioner shall be selected jointly as in the original selection. The Commissioners shall, when actually employed in the investigation of a dispute, receive such compensation as shall be agreed upon by the High Contracting Parties. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed as soon as possible after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III.

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, by unanimous agreement spontaneously offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Bolivia, with the approval of the Congress thereof; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one

of the High Contracting Parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in Washington on the 22d day of January, in the year of our Lord nineteen hundred and fourteen.

WILLIAM JENNINGS BRYAN [SEAL.]
IGNACIO CALDERON [SEAL.]

And whereas, the said Treaty has been duly ratified on both parts and the ratifications of the two Governments were exchanged in the City of Washington on the eighth day of January, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this ninth day of January in the year of our Lord one thousand nine hundred and fifteen, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.

ABROGATION BY THE UNITED STATES OF ARTICLE 34 OF THE TREATY OF MAY 13, 1858, BETWEEN THE UNITED STATES AND BOLIVIA. ACCEPTANCE THEREOF BY BOLIVIA.

(*See* Circulars: Abrogation of provisions of certain treaties, etc.; Mr. Belden's telegram of October 6, 1915.)

BOUNDARY AGREEMENT BETWEEN BOLIVIA AND PARAGUAY.[1]

File No. 724.3415/27.

Minister Mooney to the Secretary of State.

[Extract.]

No. 67.] AMERICAN LEGATION,
Asunción, Paraguay, July 29, 1915.

SIR: I have the honor to advise you that on July 19 a protocol was signed at Asunción by the Bolivian Plenipotentiary, Dr. Ricardo Mujía, and the Paraguayan Plenipotentiary, Dr. Fulgencio Moreno, extending the Ayala-Mujía Agreement of April 5, 1913, relative to the Paraguay-Bolivia boundary dispute, until July 28, 1916. * * *

[1] Continued from For. Rel. 1914, p. 27.

I have the honor to inclose herewith a translation-copy of the Ayala-Mujía Agreement of April 5, 1913; and shall transmit to you a transcript of the Protocol of July 19, 1915, as soon as I am able to obtain a copy thereof.

I have [etc.]

DANIEL F. MOONEY.

[Inclosure—Translation.]

Ayala-Mujía Agreement.

At the City of Asunción, the capital of the Republic of Paraguay, on April 5, 1913, meeting at the Ministry of Foreign Affairs, His Excellency Dr. Ricardo Mujía, Envoy Extraordinary and Minister Plenipotentiary of Bolivia, and His Excellency Dr. Eusebio Ayala, Foreign Minister, agreed to sign the following Protocol:

Article I. The High Contracting Parties undertake to negotiate a definitive boundary treaty within two years counted from the date of the approval of the present agreement by the respective Governments.

Article II. The possibility of concluding a treaty by direct negotiations, taking into account the commercial obligations of both countries, is primarily contemplated.

Article III. Should it not be possible to agree upon a treaty by means of direct negotiation, the High Contracting Parties will submit their boundary dispute to arbitration upon its legal merits.

Article IV. Until the direct negotiations reach a successful conclusion, or the arbitration award is delivered, the status quo of the Agreement of January 12, 1907, shall continue in force, both parties declaring that they have not modified their respective positions since that date.

Article V. By virtue of the preceding clauses which modify the stipulations of the Agreement of January 12, 1907, the High Contracting Parties agree to declare that that agreement has lapsed.

Article VI. The period for the approval by the respective Governments of the present agreement and referendum shall be four months from this date.

In witness whereof the undersigned Plenipotentiaries sign the present Protocol in duplicate.

RICARDO MUJÍA.
EUSEBIO AYALA.

NOTE.—The above agreement was approved by the respective Governments thereto, on July 28, 1913.

BRAZIL.

MESSAGE OF THE PRESIDENT, WENCESLAU BRAZ P. GOMES, TO THE CONGRESS.

File No. 832.032/10.

Ambassador Morgan to the Secretary of State.

[Extract.]

No. 584.] AMERICAN EMBASSY,
Rio de Janeiro, May 10, 1915.

SIR: I have the honor to enclose duplicate copies of the Message which President Wenceslau Braz sent to the Federal Congress when it convened in the first session of the new legislature on the 3rd instant. I have also the honor to enclose an English translation of the salient portions of the Message relating to foreign affairs. * * *

I have [etc.]

EDWIN V. MORGAN.

[Inclosure—Extract—Translation.]

During the civil wars which for some time past have interfered with the normal development and prosperity of Mexico, serious friction (to the general regret of all American countries) unfortunately arose also between the United States and that country, the situation being rendered even more acute about the beginning of last year by the incident of Tampico, which almost culminated in armed warfare between the two nations.

On this difficult and anxious occasion, when the international peace of America and our continental fraternity were in great danger, the Brazilian, the Argentine and the Chilean Governments tendered their good offices in the matter and had the satisfaction of seeing the same accepted by the other two Governments concerned, the first hostilities being immediately suspended.

I take great pleasure in advising Congress that this mediation produced the most complete and satisfactory results. It is, however, but just to acknowledge that the happy outcome of our joint efforts was mainly due to the well interpreted patriotism and high judgment shown by the two divergent Governments on that occasion.

At the Niagara Falls Conference the deplorable incident was brought to a conclusion and, to the satisfaction of all concerned, the protocol (preliminary treaty) of June 24, 1914, was signed by the Delegates of the three mediating Governments, and by those of the two Republics involved, with the approval of the other American nations and, most assuredly, of all the Powers as well.

This protocol decided only on the international features of the conflict, leaving the Mexicans the exclusive right to discuss and agree upon all matters of domestic nature, such as the organization of a provisional government and its political program, amnesties, calling of elections, liberal and progressive reforms, and any other measures indispensable to the free exercise of national sovereignty.

The Brazilian Government, in that emergency, merely pursued once more its traditional policy of peace and confirmed its inalterable sentiments of Continental Fraternity. Brazil, therefore (as was, no doubt, the case with Argentina and Chile as well), experienced great satisfaction in the applause and cooperation of the American Republics, in its endeavor to strengthen the ties of friendship and harmony which should unite them always for the welfare and the enhanced moral grandeur of our Continent.

CHILE.

MESSAGE OF THE PRESIDENT, RAMÓN BARROS LUCO, TO THE CONGRESS.

File No. 825.02/9.

Chargé Summerlin to the Secretary of State.

[Extract.]

No. 642.] AMERICAN EMBASSY,
Santiago, June 15, 1915.

SIR: I have the honor to report that the President of the Republic opened the ordinary sessions of the Congress on the first instant * * * at which the President's Message was read. Copies of the Message, with translations of the most important passages, are enclosed herewith. * * *

I have [etc.]

GEORGE T. SUMMERLIN.

[Inclosure—Translation—Extract.]

The friendly mediation of the Argentine, Brazilian and Chilean Governments in the conflict stirred up between the United States of America and the Government of General Huerta in the Republic of Mexico, which was so successful at the Niagara Falls conferences, has been an eloquent testimony of the solidarity spirit which governs the relations of the American peoples.

Inspired by the same sentiment of Pan-Americanism which led them to tender their good offices on that occasion, the Governments of these three Republics agreed upon an interchange of visits between their Ministers for Foreign Affairs in order to contribute by a public act of cordiality to the drawing closer of their relations.

In fulfilling this agreement the capital of the Republic has had the honor of receiving the Ministers for Foreign Affairs of Brazil and Argentina, Messrs. Lauro Müller and José Luis Murature; and the Minister for Foreign Affairs, Mr. Alejandro Lira, has visited Buenos Aires.

The enthusiastic and warm welcome which these three representatives met in Santiago and Buenos Aires is a frank manifestation that the diplomatic action of the Governments has faithfully interpreted the sentiment of the people, and that the policy of approximation so happily initiated is a solid guaranty of peace for the American Republics and of respect for their rights, the most vital of which is the integrity of the Continent.

As a practical result of this international act, a treaty between the three Republics was signed in Buenos Aires on the 25th of May last, destined to strengthen the cordial understanding which unites them and which establishes a formula, inspired by the Bryan Peace Treaty, for the solution of questions which might arise among them.

Upon the initiative of the Government of the United States, our Government raised its diplomatic representation in that country to the rank of Embassy, and we continue to cultivate a constantly closer friendship with that country.

In order to increase the means of solving through juridical channels the differences that might arise between the nations, the Secretary of State of

the American Government, Mr. Bryan, submitted to the diplomatic representatives accredited in Washington a proposed treaty which was given the frankest acceptance by the Governments. Our Government, simultaneously with those of Argentina and Brazil, signed a treaty of this nature with the Government of the United States, which desired to invest this act with special solemnity.

We have signed a similar treaty with the Government of Uruguay.

RULES AND REGULATIONS FOR CABLE AND WIRELESS MESSAGES.

File No. 825.731/1.

Ambassador Fletcher to the Secretary of State.

No 574.] AMERICAN EMBASSY,
Santiago, January 11, 1915.

SIR: I have the honor to enclose a copy, with translation, of Decree of the Chilean Government No. 6364, dated December 30, 1914, which orders all telegraphic, radio-telegraphic and telephonic apparatus, destined or not for public service, whose installation has not been duly authorized to be destroyed and forbids all telegraphic, cable, or radio-telegraphic companies, either governmental or private, to transmit communications in code language or cipher, excepting, however, the communications of diplomatic agents and banks providing they deposit their code with the Director General of Telegraph. All communications must be written in clear language in German, Spanish, French, English, Italian or Portuguese, and may not contain news regarding the situation, movements or operations of the ships of belligerent nations.

Some time before the issuance of this decree and during the incumbency of Mr. Salinas, the matter was several times informally discussed between him and myself and Mr. Castro, the Sub-Secretary, and I pointed out the inconvenience and annoyance to neutral commerce which would be caused by a decree applying to belligerents and neutrals alike. I also pointed out the inconvenience which would be caused if consuls were prevented from communicating with their diplomatic representatives and their governments in code. Both the Minister, Mr. Salinas, and Mr. Castro seemed to agree with the reasonableness of my observations.

The decree was signed on the 30th of December. On the 2d of January I again called on the Foreign Office and took up the matter with both the Minister and the Sub-Secretary. They explained that the decree had been prepared and issued in this comprehensive form, without exception of communications to and from neutral countries, in order to secure a more forceable effect and attract more serious attention, but that exceptions could and would be made later.

This decree very seriously interferes with our commercial and business relations with Chile, and I have received strong and energetic protests from practically all the leading American houses doing business in Chile, and I have addressed to the Minister for Foreign Affairs, under date of January 9, last, a note, of which I enclose copy and in which I embodied the complaints of the American business community.

I have followed up this note with a personal interview with the Minister to-day, and urged him as strongly as possible and with all

the arguments at my command to relieve our commerce from these restrictions. He agreed with me that Chile's responsibility in the matter of neutrality did not extend to other neutral countries and that the restrictions which I complained of should be removed, and promised to take up the matter immediately with the Minister of the Interior, with a view to having the decree amended. I have also spoken of the matter of the decree with a number of leading Senators and Deputies, who have promised to urge its amendment.

I am just now in receipt of a circular from the Foreign Office, transmitting printed copy of the decree and stating that the Minister of the Interior is preparing a new decree excepting consular communications from the scope of the decree. This circular, however, was prepared some days ago, and I am hoping to secure the exception of communications to and from neutral countries also.

I shall, at all events, continue my efforts to have these restrictions upon our commerce removed.

I have [etc.]

HENRY P. FLETCHER.

[Inclosure 1—Translation.]

Decree No. 6364.

MINISTRY OF THE INTERIOR,
Santiago, December 30, 1914.

Considering that, in accordance with the Radiotelegraph Conference of London, July 5, 1912, wireless-telegraph offices not authorized by the Government can not exist in the territory of a State;

Considering that Chile signed the 5th Convention of The Hague relative to the rights and duties of neutral powers in case of war;

In view of Articles 3 and 9 of the said Convention, which say the following:

Article 3. Belligerents are likewise forbidden to:

a. Erect on the territory of a neutral power a wireless telegraphy station or other apparatus for the purpose of communicating with the belligerent forces on land or sea.

b. Use any installation of this kind established by them before the war on the territory of a neutral power for purely military purposes, and which has not been opened for the service of public messages.

Article 9. Every measure of restriction or prohibition taken by a neutral power in regard to the matters referred to in articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

IT IS DECREED:

1. The Intendentes and Governors of the Republic will proceed to dismantle the telegraphic, radio-telegraphic or telephonic apparatus destined or not for the public service, whose installation has not been fully authorized.

2. The telegraphic, cablegraphic or radio-telegraphic companies of the Government or private will not in the future accept, until a new order, for transmission communications which are written in code language or cipher.

3. From this rule are excepted the communications sent by diplomatic agents accredited in the Republic and those exchanged by the banks between their offices, providing that they deposit the key in the Directory General of Telegraphs.

Only communications written in clear language in German, Spanish, French, English, Italian and Portuguese, which do not contain notices regarding the situation, movements and operations of the ships of the belligerent nations, will be accepted.

Take note, communicate, publish and insert in the Bulletin of the Laws and Decrees of the Government.

BARROS LUCO.
PEDRO N. MONTENEGRO.

[Inclosure 2.]

Ambassador Fletcher to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
No. 20.] *Santiago, January 9, 1915.*

EXCELLENCY: Referring to the conversation I had the honor of having with your excellency on the 2nd instant, on the subject of the decree of the Supreme Government No. 6364, dated December 30, 1914, relating to telegraphic messages, etc., in which your excellency promised to study the question and relieve as far as possible innocent neutral commerce from any annoyances or inconveniences which might arise from the application of the new regulations, I have the honor to inform your excellency that I am in receipt of communications from practically all the leading American commercial establishments in Chile, complaining of the serious effect the decree is having upon our trade and asking me to use my good offices with your excellency to secure an amendment of the new regulations.

The inconveniences complained of are principally:

(1) Owing to the inability on the part of steamer agents to advise the movements of steamers by wire, grave inconveniences will be caused to the consignees and shippers of merchandise and the owners of the steamers, as it will be impossible to prepare for the loading or discharge of a steamer before her arrival, which in many cases will result in demurrage and loss of time and money to all parties concerned.

(2) The export of nitrate will be disorganized for, as the nitrate industry is at present conducted, it is necessary to exchange cables continually between the loading ports and Valparaiso as regards quantities shipped, payments of contracts and duties to be paid to the Government. An example of this difficulty is that on completion of a shipment of nitrate in the loading port both buyer and seller advise their representatives in Valparaiso that the shipment is completed. Payment is made in Valparaiso and the payment is then advised to the loading port when bills of lading are delivered. In all these cablegrams it will be necessary to mention the name of the ship, which we understand will cause them to be censored.

(3) It would be impossible to order payments by cable, which is a commercial operation that is daily taking place, for no commercial house will make a cable payment on a plain word cablegram owing to the danger of fraud.

(4) The secrecy necessary between business houses competing with each other as regards prices of merchandise could not be kept.

(5) A considerable additional expense would be imposed on commercial houses through the inability to shorten cablegrams by putting them into code, thus hindering the commerce of the country.

I desire also, with your excellency's permission, to refer to the fact that the decree as promulgated makes no exception of the official telegraphic communications of Consuls with their respective diplomatic representatives or their Governments, and that such a rule will seriously impede the transaction of the business of my Government.

From conversations I have had with your excellency's honorable predecessor and the Sub-Secretary, Mr. Castro, I was under the impression that the Consuls of neutral countries at least were not to be affected by the new regulations.

Relying upon that spirit of justice and the intelligent and active interest in all that concerns the trade of our two countries which characterize your excellency, I beg to ask your excellency to be kind enough to re-study and reconsider this decree in the light of its effect on legitimate neutral commerce and the official business of neutral Governments, and I allow myself to hope that your excellency may find means to harmonize Chile's duties as a neutral with the interests of other neutral nations, as well perhaps as her own, in free and unrestricted legitimate commercial interchange.

Accept [etc.]

HENRY P. FLETCHER.

File No. 825.731.

Ambassador Fletcher to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Santiago, January 12, 1915.

Chilean Government has issued a decree forbidding all code messages to [omission] except diplomatic to neutral as well as belligerent which seriously interferes with our commerce. Am trying to have neutral countries excepted. Would like to know whether the United States Government has forbidden code messages to neutral countries.

FLETCHER.

File No. 825.731.

The Secretary of State to Ambassador Fletcher.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 14, 1915.

Your January 12. United States does not censor cable messages either code or plain, but exercises censorship over radio messages and permits neutral code radio messages sent where codes furnished censors. This applies to neutral and belligerent countries.

BRYAN.

File No. 825.731/2.

Ambassador Fletcher to the Secretary of State.

No. 580.] AMERICAN EMBASSY,
Santiago, January 30, 1915,

SIR: In continuation of my No. 574 of the 11th instant, on the subject of Decree No. 6364, imposing unnecessary and burdensome restrictions on telegraphic communications, I have the honor to report that a new decree (translation enclosed) has been issued which satisfactorily amends the first decree and eliminates the provisions thereof which affected adversely legitimate neutral commerce.

I have appropriately expressed to the Minister for Foreign Affairs my appreciation of his attentive consideration of and prompt action upon the Embassy's representations on this subject.

I have [etc.]

HENRY P. FLETCHER.

[Inclosure—Translation.]

MINISTRY OF THE INTERIOR,
Santiago, January 25, 1915.

The dispositions of Articles 2 and 3 of Decree No. 6364, of December 30 last, are modified in the following form:

1. The communications of diplomatic representatives and consular agents accredited in Chile can be transmitted and received in cipher or in code language without any restriction when there is reciprocity.

2. Private telegraphic communications, within the country or with neutral countries, may be exchanged in code language or cipher.

3. Private telegraphic communications, in cipher, with the belligerent countries may be made only by means of the codes A. B. C., fifth edition; Scott's Code, tenth edition; Bentley's Complete Phrase Code; Western Union Code; Leiber's Code, and those which the Government of Chile authorizes, providing that the sender gives to the corresponding administrative authority a translation of the telegram and he authorizes its transmission, placing his O. K. on the original cipher.

4. Private telegraphic communications, in cipher or not, which contain notices regarding the situation, movements or operatons of the war or merchant vessels of the belligerent nations may not be transmitted; but the agents of steamship companies and commercial houses may transmit telegraphic communications in cipher or code language within the country or to neutral countries regarding the movement of steamers or merchant vessels.

Take note, communicate, publish and insert in the "Boletin de las Leyes y Decretos del Gobierno."

BARROS LUCO.
PEDRO N. MONTENEGRO.

File No. 825.731/1.

The Secretary of State to Ambassador Fletcher.

No. 217.] DEPARTMENT OF STATE,
Washington, February 13, 1915.

SIR: The Department has received your No. 574 of January 11, in regard to the Chilean Government's decree of December 30, which orders the destruction of all telegraphic, radiotelegraphic and telephonic apparatus the installation of which has not been officially authorized, and forbids all telegraph, radiotelegraph and telephone companies to transmit cipher or code messages, except for diplomats and banks whose codes shall have been deposited with the Director General of Telegraphs.

The Department approves your action in making repeated representations with a view to having the decree modified, which you state have resulted in the Government's deciding to exempt consular messages, and may also lead to the exception of communications from and to neutral countries.

I am [etc.]

W. J. BRYAN.

File No. 825.731/2.

The Secretary of State to Chargé Summerlin.

No. 219.] DEPARTMENT OF STATE,
Washington, March 11, 1915.

SIR: The Department has received the Ambassador's No. 580, of January 30, transmitting a translation of a decree regulating telegraphic communications, amendatory of the objectionable decree No. 6364, a copy of which was enclosed with his No. 574, of January 11.

The Department approves Mr. Fletcher's action in making the frequent representations which resulted in the modification of the requirements of the original decree.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

CHINA.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND CHINA.

Signed at Washington, September 15, 1914; ratification advised by the Senate, October 12, 1914; ratified by the President, June 17, 1915; ratified by China, June 18, 1915; ratifications exchanged at Washington, October 22, 1915; proclaimed October 23, 1915.

Treaty Series No. 619.]

By the President of the United States of America.

A PROCLAMATION.

Whereas a Treaty between the United States of America and the Republic of China looking to the advancement of the cause of general peace was concluded and signed by their respective Plenipotentiaries at Washington, on the fifteenth day of September, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and Chinese languages, is word for word as follows:

The President of the United States of America and the President of the Republic of China, desiring to strengthen the friendly relations which unite their two countries and to serve the cause of general peace, have decided to conclude a treaty for these purposes and have consequently appointed the plenipotentiaries designated hereinafter, to wit:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State of the United States; and

The President of the Republic of China, Kai Fu Shah, Envoy Extraordinary and Minister Plenipotentiary of the Republic of China to the United States;

Who, after exhibiting to each other their full powers, found to be in due and proper form, have agreed upon the following articles:

Article I.

Any disputes arising between the Government of the United States of America and the Government of the Republic of China, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to arbitration, be submitted for investigation and report to a Permanent International Commission constituted in the manner prescribed in the following article.

The High Contracting Parties agree not to resort, with respect to each other, to any act of force during the investigation to be made by the Commission and before its report is handed in.

ARTICLE II.

The International Commission shall be composed of five members appointed as follows: Each Government shall designate two members, only one of whom shall be of its own nationality; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the Commission; he shall perform the duties of President.

In case the two Governments should be unable to agree on the choice of the fifth commissioner, the other four shall be called upon to designate him, and failing an understanding between them, the provisions of article 45 of The Hague Convention of 1907 shall be applied.

The Commission shall be organized within six months from the exchange of ratifications of the present convention.

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise (from death, resignation, or cases of physical or moral incapacity) shall be filled within the shortest possible period in the manner followed for the original appointment.

The High Contracting Parties shall, before designating the commissioners, reach an understanding in regard to their compensation. They shall bear by halves the expenses incident to the meeting of the Commission.

ARTICLE III.

In case a dispute should arise between the High Contracting Parties which is not settled by the ordinary methods, each Party shall have a right to ask that the investigation thereof be intrusted to the International Commission charged with making a report. Notice shall be given to the President of the International Commission, who shall at once communicate with his colleagues.

In the same case the President may, after consulting his colleagues and upon receiving the consent of a majority of the members of the Commission, offer the services of the latter to each of the Contracting Parties. Acceptance of that offer declared by one of the two Governments shall be sufficient to give jurisdiction of the case to the Commission in accordance with the foregoing paragraph.

The place of meeting shall be determined by the Commission itself.

ARTICLE IV.

The two High Contracting Parties shall have a right, each on its own part, to state to the President of the Commission what is the subject matter of the controversy. No difference in these statements, which shall be furnished by way of suggestion, shall arrest the action of the Commission.

In case the cause of the dispute should consist of certain acts already committed or about to be committed, the Commission shall as soon as possible indicate what measures to preserve the rights of each party ought in its opinion to be taken provisionally and pending the delivery of its report.

ARTICLE V.

As regards the procedure which it is to follow, the Commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of Convention 1 of The Hague of 1907.

The High Contracting Parties agree to afford the Commission all means and all necessary facilities for its investigation and report.

The work of the Commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the High Contracting Parties should agree to set a different period.

The conclusion of the Commission and the terms of its report shall be adopted by a majority. The report, signed only by the President acting by virtue of his office, shall be transmitted by him to each of the Contracting Parties.

The High Contracting Parties reserve full liberty as to the action to be taken on the report of the Commission.

ARTICLE VI.

The present treaty shall be ratified by the President of the United States of America, with the advice and consent of the Senate of the United States, and by the President of the Republic of China.

It shall go into force immediately after the exchange of ratifications and shall last five years.

Unless denounced six months at least before the expiration of the said period of five years, it shall remain in force until the expiration of a period of twelve months after either party shall have notified the other of its intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Washington this 15th day of September, in the year nineteen hundred and fourteen, corresponding to the 15th day of the ninth month in the third year of the Republic of China.

[SEAL.] WILLIAM JENNINGS BRYAN

[Signature and seal of Chinese Plenipotentiary.]

[KAI FU SHAH]

[Chinese text not printed.]

And whereas the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the twenty-second day of October, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-third day of October in the year of our Lord one thousand nine hundred and
[SEAL.] fifteen, and of the Independence of the United States of America the one hundred and fortieth.

WOODROW WILSON

By the President:

ROBERT LANSING,
Secretary of State.

MESSAGE OF THE PRESIDENT, YUAN SHIH K'AI, TO THE COUNCIL OF STATE ACTING IN THE CAPACITY OF LI FA YUAN (NATIONAL LEGISLATIVE BODY).[1]

POLITICAL AFFAIRS.[2]—CONSTITUTIONAL REFORM.—MOVEMENT TO RESTORE MONARCHICAL GOVERNMENT IN CHINA.—ATTITUDE OF THE UNITED STATES.

File No. 893.011/18.

Chargé MacMurray to the Secretary of State.

[Extract.]

No. 709.] AMERICAN LEGATION,
Peking, July 29, 1915.

SIR: I have the honor to enclose for the information of the Department a memorandum on constitutional reform in China, in which the Chinese Secretary of the Legation, Dr. C. D. Tenney, outlines the history of constitutional development up to the present time, when a committee of ten, already appointed, is about to undertake the drafting of the permanent constitution.

I have [etc.],

J. V. A. MACMURRAY.

[Inclosure.]

Memorandum by the Chinese Secretary.

CONSTITUTIONAL REFORM IN CHINA.

As President Yuan Shih-K'ai has now announced the appointment of a committee to draft a permanent constitution for China, it is interesting to recapitulate briefly the action which has been taken by the Chinese Government in the direction of constitutional reform since the beginning of the agitation.

The proposition to introduce reform into the old machinery of the Chinese Government originated with the Manchu Court rather than with the people. After the return of the Court to Peking in 1902, the Empress Dowager and her official advisers began to cast about for means to strengthen the position of the Throne in respect to the people, as well as to strengthen China in her relations with foreign countries. They were led to believe that the half-understood principles of representation of the people would be the remedy for the ills under which China was suffering.

On the 16th of July, 1905, Duke Tsai Tsê, Hsu Shih-Ch'ang, Tuan Fang and Tai Hung-Tzu were appointed to go abroad to study the various forms of government to be found in other lands and to report to the Throne. After the return of these officials, constitutional reform was taken up actively by the Imperial Government.

On the 6th of June, 1906, an Office of Investigation of Governmental Methods was established, and five days later an edict was issued announcing the purpose of the Court to give the country a constitution. Other edicts followed during the next two years, arranging various minor details in the work of preparation, until, on the 27th of August, 1908, the famous Constitutional Edict was sprung upon the world.[3] This was a proclamation of a constitution with detailed regulations for the establishment of representative institutions, local, provincial and national, and the new form of government was to be put into full operation in the year 1917, after a carefully prepared program of preparation to extend over nine years.

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[1] Printed under Political Affairs, p. 61.
[2] Continued from For. Rel. 1914, pp. 38–61.
[3] For. Rel. 1908, p. 191 et seq.

During the years 1909, 1910 and 1911 the country was deluged with new regulations on all the various matters covered by the elaborate program of August, 1908.[4] The reports and regulations were drawn up with a wearisome prolixity and detail. Meanwhile the hot-heads among the young scholar class were becoming impatient at the delay in the inauguration of representative government and began pressing the Court to shorten the period of preparation laid down in the August 1908 edict. The position of the Court was also weakened by the death of the forceful Empress Dowager in November 1908 and by the dismissal of Yuan Shih-K'ai from the Grand Council on January 1; 1909. Thereafter the feeble Prince Regent and his Councillors were unable to withstand the pressure of the young scholar class. On the 30th of January, 1910, the Prince Regent refused to hasten the time for the organization of a national parliament.[5] Before the end of the year, however, on November 4, 1910, he issued another edict promising the opening of Parliament in the year 1913.[6]

Meanwhile the Constitutional Assembly (Tzu Chêng Yüan), which had been organized October 4, 1910, became more and more insistent and turbulent while the Prince Regent and his advisers became more panic-stricken. On the 5th of November, 1911, an edict was issued ordering the Parliament to be organized as soon as the elections could take place.

Besides clamoring for the speedy opening of Parliament, the Constitutional Assembly persistently pressed for the completion of a formal constitution. Finally, on the 5th of November, 1910, Prince Pu Lun and Duke Tsai Tsê were appointed by the Throne Constitutional Law Commissioners to draft the constitution. Owing to the insistence of the Assembly that the representatives of the people should have a voice in deciding the terms of the constitution, the Throne ordered, November 2, 1911, that the draft be submitted to the Assembly for discussion and approval. This body at once drew up nineteen resolutions embodying the fundamental principles of a constitution and demanded that the Emperor should take a solemn oath to respect these fundamental principles. This was done in the Ancestral Temple on November 26, 1911. By this time, however, the Revolution had already commenced. Before the end of November a Provisional Government had been established in the Yangtze Valley. On the 10th of December, 1911, the Prince Regent resigned. On the 12th of February, 1912, the Manchus abdicated. Yüan Shih-K'ai became Provisional President of the Chinese Republic on the 10th of March, 1912.[7]

With the change of government from monarchy to republic, all the work done on the national constitution previous to 1912 became null and void and the whole question entered on a new phase. At the commencement of the republican era the people were represented in the provincial assemblies as organized under the Empire, and by a Provisional National Assembly which had been hastily organized at Nanking under the auspices of the Revolutionary party. The Constitutional Assembly (Tzu Chêng Yüan) at Peking dissolved with the end of the Empire and its functions were assumed by the Provisional Assembly at Nanking as the Ts'an-i Yüan or Advisory Council, the election of the members of which was hasty and irregular. This Advisory Council was reorganized and moved to Peking in March, 1912.[8]

On the 10th of March, 1912, a Provisional Constitution of fifty-six articles was passed by the Advisory Council.[9] This constitution aimed to have all the power of the Central Government in the hands of a Parliament, the President being a figurehead and the Premier the chief executive officer. This remained in force until the dissolution of the Provisional National Assembly in January, 1914.[10]

A Provisional National Assembly (Chung I Yüan) was convened in Peking in April, 1913[11] and for nearly a year formed, with the Advisory Council (Ts'an-i Yüan) as upper house, a Provisional Parliament. Meanwhile provincial assemblies were organized under Republican auspices in the spring of 1913. The National Assembly elected Yüan Shih-K'ai Permanent President on October 6, 1913[12], but his views of a president's functions differed widely

[4] For. Rel. 1909, p. 125 et seq; 1910, p. 328 et seq.
[5] For. Rel. 1910, p. 330.
[6] Id. 337–338.
[7] For. Rel. 1912, pp. 65–66, 75.
[8] Id. 77.
[9] For. Rel. 1914, pp. 38 et seq.
[10] Id. p. 42.
[11] For. Rel. 1913, pp. 112–114.
[12] Id. 131.

from those of the Democratic party (Kuo Min Tang) in the National Assembly and the strife was brought to a summary ending on November 4, 1913, by the President's expulsion of the members of the Kuo Min Tang from the National Assembly.[13] On November 26 the President organized an Administrative Conference or Political Council (Chêng Shih Hui I) to give advice on governmental affairs.[14] On January 10, 1914, the President, acting on the advice of the Political Council, dissolved the National Assembly[15], and in February and March he also dissolved the local government bodies and the provincial assemblies. Thus all representation of the people was temporarily done away with, and the Provisional Constitution of March 10, 1912, became a dead letter. On January 26, 1914, the President issued a mandate ordering the formation of a Constitutional Compact Conference (Yüeh Fa Hui I) which convened on the 18th of March, 1914.

On the 1st of May, 1914, the President proclaimed an Amended [Revised] Provisional Constitution of sixty-eight articles.[16] This Constitution provides for a highly centralized form of government. It is now in force. By this Provisional Constitution various details are left to the Constitutional Compact Conference (Yüeh Fa Hui I) to work out. Articles 59–63 contain the procedure for drawing up the Permanent Constitution. Article 59 provides that this Constitution shall be drafted by a Committee composed of persons not exceeding ten in number elected by the "Council of State" (Tsan Chêng Yüan). This body, the Tsan Chêng Yüan, was organized by Presidential mandate on May 26, 1914. It consists of seventy members appointed by the President and is supposed to contain experts in different lines capable of giving him advice on governmental matters. Its most important function is to give the color of popular assent to the actions of the President. This body has now nominated the committee of ten to draft the Permanent Constitution, which will be promulgated by the President when drafted without reference to any elected representative body of the Chinese people. The following ten men compose the committee to draw up the Permanent Constitution: Li Chia-Chu; Liang Ch'i-chao; Yen Fu; Wang Tung-pen; Wang Shih-chêng; Ta Shou; Ma Liang; Ssu Yu; Tsêng Yi-chang; Yang Tu. They are all men of high standing, representing fairly the moderate Progressives. Needless to say, they all favor the centralized form of government outlined in the Provisional Constitution of May 1, 1914.

CHARLES D. TENNEY,
Chinese Secretary.

PEKING, *July 26, 1915.*

File No. 893.01/22.

Chargé MacMurray to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, August 25, 1915.

For some weeks there has been a widespread discussion of the question of reestablishing monarchical form of government. This agitation seems to have the general sympathy and to some extent support not only of many of the older officials but also of the younger officials hitherto identified with the republican movement. It is also regarded with tolerance, if not with complacency, by the Government, the President having declined to intervene in restraint of activities of the so-called Peace Planning Society recently formed for the purpose of monarchist propaganda. The President has also given publicity to a memorandum prepared at his request by Goodnow expressing the view that, theoretically and in the abstract, monarchical form of government is better adapted to conditions in

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[13] Id. 139.
[14] Id. 141.
[15] For. Rel. 1914, p. 42.
[16] Id. 53.

China, though reserving an opinion as to the advisability of making a change from the present system of government. Extensive use is being made of Goodnow's name in support of propaganda. The movement has excited considerable opposition although not so much in the North at any rate as might have been expected.

It is not yet possible to be sure whether this agitation is a part of a plan to bring about the assumption of the throne by the President or is merely a means adopted by him or sanctioned by him at the instance of certain reactionary influences with a view to determining whether or not the temper of the country would tolerate such a reestablishment of an imperial régime. Present indications tend to support the former alternative.

MACMURRAY.

File No. 893.01/23.

AMERICAN LEGATION,
Peking, September 2, 1915.

Referring to Legation's telegram of August 25. It now appears certain that monarchical agitation is incidental to a definite plan looking to assumption of the throne by the President if, and as soon as, that appears to be practicable. * * *

The great majority of provincial governors, both civil and military, have telegraphed to the Peace Planning Society their adherence to the movement; similar telegrams in considerable number have been received from commercial and educational institutions throughout the country. These telegrams have in all probability been sent under official inspiration.

Council of State convened yesterday, acting under the Provisional Constitution as a legislative body pending the institution of the proposed legislature. The Vice President failed to preside, pleading illness. * * *

MACMURRAY.

File No. 893.01/24.

AMERICAN LEGATION,
Peking, September 4, 1915.

Referring to my cable of September 2 * * * I beg to request instructions in view of an intimation that the Chinese Government that [sic] to sound Legations as to the attitude which their Governments may be expected to take towards the establishment of a monarchy. Unless otherwise instructed, I should indicate that the American Government would reserve an opinion until the event, when its attitude would be determined by the circumstances then existing, and particularly by considerations as to the acceptability of the new government to the people of China and its consequent ability to preserve order and safeguard foreign interests, and of the degree of confidence and sympathy with which the American people and those possessing interests in China might prove disposed to view the monarchy.

MACMURRAY.

File No. 893.01/35.

Chargé MacMurray to the Secretary of State.

[Extract.]

No. 747.] AMERICAN LEGATION,
Peking, September 7, 1915.

SIR: Referring to my telegrams of August 25, September 2 and September 4, on the subject of the agitation in favor of a restoration of the monarchical form of government in China, I have the honor to report as follows:

For some months past there have been rumors, vague at first, but becoming gradually more definite, that President Yuan Shih-k'ai was maturing a plan for the transformation of the Republic into a monarchy, and taking the throne as the founder of a new dynasty. From several usually trustworthy sources I received, as early as mid-June, information to the effect that the Committee of Ten, entrusted with the drafting of the permanent Constitution, was being carefully "handpicked" with a view to its embodying in the Constitution provisions for the reestablishment of a monarchy, and then demanding that the Legislature, which would in due course have been selected with like care, should be convened in order that it might in the name of the people of China decide whether or not the proposed change in the form of government should be made—the President meanwhile deprecating, with the appropriate degree of earnestness, any action tending to force on him responsibilities more lofty than he had assumed as President of the Republic. Despite the character of the sources from which this information reached me, I attached slight importance to it at the time, believing that while certain influences might be intriguing to that end, it was scarcely credible that so shrewd a politician as the President should choose for such a purpose (even if he entertained it) a time when the personnel of the Government was engaged in bitter factional strife, when the finances of the country were being carried on in hand-to-mouth fashion, when the balance of power in China was destroyed by the European War, when new revolutionary movements were believed to be forming, and when the prestige of his administration was suffering from the yielding of the concessions which the Japanese Government had demanded and enforced by its ultimatum of May 7. Such plans as were being made were in fact worked out with a degree of secrecy altogether unusual in this country; and for some weeks there appeared to be no concrete indications tending to confirm the reports referred to above.

The first tangible evidence of anything stirring beneath the surface was an interview (of which the account given in the Peking Gazette of July 7 is enclosed herewith)[17] in which the President rebuked General Feng Kuo-chang, military governor of Kiangsu Province, for urging upon him the suggestion that he assume the throne. This abjuration said so much more than would have been necessary to a staged disclaimer of any monarchical aspirations, that it had all the appearance of genuineness.

The next development in the movement was associated with the coming of the American Constitutional Adviser, Dr. Frank J.

[17] Not printed.

Goodnow, who had returned to Peking in the middle of July for a short visit. Shortly after his arrival, Dr. Goodnow was asked by the President to prepare for his own information a memorandum on the respective merits of the republican and monarchical forms of government, with particular reference to conditions in China. In entire good faith, though, as the event has proved, with perhaps too little wariness as to the use which might be made of it, Dr. Goodnow, in response to this request, prepared a memorandum (of which a copy, as printed in the *Peking Daily News* of August 20 is enclosed herewith[a]) in which he outspokenly set forth the view that theoretically and in the abstract the monarchical form is the better suited to the genius and traditions and present political development of the Chinese, but expressly disclaimed any judgment on the question whether the conditions actually existing would render feasible or expedient a change from the republican to the monarchical system. I understand that he also discussed the matter with the President in the same sense, making it clear that as a question of practical politics the matter involved considerations of fact as to which no foreigner is competent to form a judgment, and which must be decided by those responsible for the destinies of the country.

At the end of the second week of August, a monarchical propaganda, professedly based upon Dr. Goodnow's advice, was begun with an amazing suddenness that appears to indicate careful preparation in advance. In spite of the reservations with which Dr. Goodnow had qualified his memorandum for the President, it began to be quoted in the Chinese press (as cited in the enclosed clipping from the *Peking Gazette* of August 14)[17] as maintaining categorically the bald thesis that "a monarchical system of government is better than a republican system"; and he was thenceforward referred to as supporting or even as having inspired the monarchical movement. On August 16 there appeared in the press the manifesto of an organization calling itself the Ch'ou An Hui or Peace Planning Society, newly formed for the purpose of "devising means for keeping peace in this country" and for expounding "views concerning the future of our country and the advantages and disadvantages accruing from the republican form of government," which was based upon the declaration that "Dr. Goodnow has stated that a monarchy is a better form of government than republicanism, and according to his opinion a monarchical form of government is most indispensable at present for China". (For translation see enclosed clipping from the *Peking Gazette* of August 16).[b] Dr. Goodnow found it necessary to repudiate the views thus attributed to him, in an interview which appeared in the *Peking Gazette* of August 18 (of which a copy is enclosed herewith);[c] and with the permission of the President he also caused the full text of his memorandum to be published in the *Peking Daily News* of August 20. Even the publication of his memorandum, however, did not put an end to the misquotation of his views by the adherents of the Ch'ou An Hui, who continued to refer to his advice in support of their propaganda; and

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[17] Not printed.
[a] Inclosure 1.
[b] Inclosure 2.
[c] Inclosure 3.

as late as August 24, in the society's circular telegram to which reference is made hereafter, Dr. Goodnow's views were cited in a passage of which the following is a translation made by the Chinese Secretary of the Legation:

> The United States is the foremost Republic in the world. Dr. Goodnow, the great American scholar in the science of government, says that a monarchy is really better than a republic, and that China especially cannot do without the monarchical form of government. This opinion is held not only by Dr. Goodnow, but by many other well-known scholars. As Dr. Goodnow is a citizen of a republic, he is very familiar with both the advantages and failures of the republican form of government. Moreover, he says that conditions in America and China are different, and that the institutions of the one country cannot be forcibly transplanted to the other.

Dr. Goodnow consequently found himself placed in a false light, and in order to clear up his position he brought pressure to bear upon certain of his official associates who were in a position to influence the leaders of the Ch'ou An Hui, with the result that a notice to the following effect was published in the Chinese press on August 28:

> With reference to the discussion of the question "Monarchy or Republic", Dr. Goodnow has made no statement other than that contained in the memorandum which he presented to the President. Lest there should be any apprehension on the subject, we hereby specially issue this notice.
>
> CH'OU AN HUI.

In the earliest days of its formation, the Ch'ou An Hui was scarcely taken seriously by outside observers. Even when there was published an interview (of which the translation appearing in the *Peking Gazette* of August 17 is enclosed herewith)[17] in which the President, referring to the activities of that society, said

> As to the people of the country * * * it is quite reasonable for them to discuss the best method which will ensure them permanent peace and happiness. * * * How can I interfere with such a movement, merely for the reason that such a movement would tend to misrepresent me to the public as a person who entertains some doubtful and suspicious ambition? * * * If it does not tend to disturb the order of the country, there is no necessity for the Government to take measures to interfere with it—

even then, the apparent inopportuneness of the times, the comparative obscurity of those who were known as its adherents, and the shallowness and obvious insincerity of its propaganda, all tended to induce the belief that the movement was no more than a *ballon d'essai*—an activity which the President countenanced, perhaps with a view to its revealing whether or not the temper of the country would admit of such a possibility now or at some later occasion, but which he in all probability regarded as a means of quieting the enthusiasts and the sycophants by letting them batter their heads against an impossibility.

But meanwhile the Ch'ou An Hui throve immensely. In addition to the original manifesto (quoted in the enclosure from the *Peking Gazette* of the 16th ultimo), it issued a prospectus and notifications (which are enclosed herewith in translation from the *Peking Gazette* of August 21)[17] and a circular telegram to the civil and military governors of the provinces, to the lieutenant generals, and to the chambers of commerce and popular bodies of the provinces, expressing the belief that the republican form of government is not

[17] Not printed.

suitable to China (of which a translation, as printed in the *Peking Daily News* of the 25th ultimo is enclosed herewith);[17] and its chief promoter, Mr. Young Tu, published an elaborate "Defense of the Monarchical Movement" (of which I enclose a translation as printed in the *Peking Daily News* of August 26, 27 and 28);[17] it attained the distinction of having its leaders interviewed by Mr. B. L. Simpson (Putnam Weale); it acquired the rather more substantial dignity of having its views and purposes contested with eloquent and apparently sincerely patriotic earnestness by Mr. Liang Ch'i-ch'iao, recently Minister of Justice, in an interview printed in the *Peking Gazette* of the 31st ultimo (of which a copy is enclosed),[17] and in an article (of which a translation, as printed in the *Gazette* of September 4 and 6, is enclosed);[17] and, most important of all, it contrived to receive from the civil and military governors and others, to whom its circular was addressed, most encouragingly acquiescent replies—which, for the most part, embody the ideas and the terms which the society professed to quote from the memorandum which Dr. Goodnow had submitted for the information of President Yuan. There were obstacles to the progress of the society; according to a report quoted in the *Peking Gazette* of August 23 (of which a copy is enclosed),[17] the President in conversation with the Secretary of State, on August 19, discreetly discountenanced the movement by declaring,

> If a few shortsighted people attempt to compel me to adopt an unrighteous course I shall have no alternative but to take refuge in a foreign land, as I cannot break my solemn oath;

and about the same time there was talk of an impeachment to be lodged against its members by the censorate, on the ground of their indulging in a movement subversive of the existing Government; but the chief censor had found it expedient to get to one of the foreign concessions in Tientsin before it was even known to the general public that this suggestion had originated with him.

It has now appeared that, back of all this rather puerile agitation on the part of the Ch'ou An Hui, there has been the substantial fact that the President himself, his eldest son, Yuan K'o-ting, and the most powerful civil official in China, Liang Shih-yi, and the most influential military leader, Feng Kuo-chang, have planned and worked for the reinstitution of a monarchical régime with President Yuan as emperor. That is a fact which, for my own part, I must acknowledge having doubted perhaps longer than the evidence warranted; it has now been made indubitable, not only by the indirect testimony of colleagues and of press correspondents and other unofficial sources of information, but also by the direct statements of certain Cabinet Ministers, who have discussed the matter with the President and learned his views authoritatively and at first-hand. As I reported in my telegram of September 4, the majority of the Cabinet and of the other officials of greatest influence are (or have been) in favor of the movement.

On the evening of Saturday, the 4th instant, one of the Cabinet Ministers who called to see Dr. Tenney and myself on another matter took occasion to say that he had that morning conferred with

[17] Not printed.

the President in reference to the plans for the reestablishment of a monarchy; and that, whereas President Yuan had up to a few days previously been whole-heartedly in favor of forcing the movement through without delay, he was now "much less enthusiastic", and determined to proceed, if at all, with the utmost circumspection. My informant went on to say that the reason for this change was doubtless the apprehension that the foreign Powers might withhold their recognition of the new Government, and that Japan, particularly, might exact terms in consideration of its recognition of the new order. He then offered the naïve surmise that perhaps this difficulty might be avoided by simply announcing that the appropriate lawmaking body of China had determined to confer upon the President the title of Emperor, and that at some convenient time thereafter the Constitution might, as a matter of purely domestic concern, be so amended as to make the presidency hereditary.

Fantastic as these suggestions sound, they seem to accord with the present attitude of those in authority. It appears that the Chinese official mind accepts, without any sense of anomaly, the idea of a hereditary presidency as forming the happiest possible solution of the problem of the succession, which has been brought so persistently to public notice by the propaganda of the Ch'ou An Hui.

It would seem that by the mere fact of having created a general impression that something in the present system of government requires modification, that society has now exhausted its usefulness to the purpose in view, and its activities will probably be allowed to dwindle. So nearly as can be judged from the reports as to the present mood of the President, and from the message which was communicated by him yesterday to the Council of State (Tsan Cheng Yuan), sitting as a legislative body pending the establishment of the Li Fa Yuan,[18] the present intention is not to establish the new régime by a *coup d'état*, as a few days ago seemed likely, but to leave the matter for decision and adjustment by processes at least superficially constitutional.

Concerning the attitude of the Chinese people towards the contemplated change, it is still too early to generalize with assurance. It would be naïve to take without discount the expressions of approval which have been telegraphed, in really considerable volume, by the provincial authorities and by popular bodies of all sorts in the provinces, in reply to the circular of the Ch'ou An Hui; their spontaneity is more than questionable; and in the great majority of cases they must be assumed to represent not a conviction that the monarchical system is the best for the country, but a calculation that that system is the more likely to prevail. It should be noted, however, that among the younger officials—the foreign-educated class, which has hitherto been more or less directly associated with the republican movement,—there has been observable an unmistakable tendency to regard with sympathy, if not with active approval, the idea of reversion to a monarchy. On the other hand, such opposition as has thus far appeared has seemed to be wholly academic and forensic, giving no evidence of any likelihood of serious resistance. There is of course a considerable revolutionary

[18] See infra.

element which may be expected to take what advantage it can of the discontent which such action would cause; but among both foreign and Chinese observers it seems generally to be believed that the Government has the situation well enough in hand to assure that no revolutionary movement is likely to gain headway or to pass beyond the stage of mere local disturbances—unless abetted and assisted by Japan. The great bulk of the people may, I believe, be assumed to be indifferent to the question of the form of government so long as it does not undertake to govern them too rigorously or tax them too much.

With a view to learning the character and effects of the monarchical movement in the provinces, the Legation on August 25 despatched to the consuls a circular directing them to report on the subject. Replies have thus far been received, as follows: Antung, Hankow, Mukden, Nanking and Shanghai. In order to put the Department in possession of all available information at as early a date as possible, I forward copies of these reports[17] without waiting to coordinate them with those which are still to be received.

It has proved difficult to learn with accuracy the views of the several other Legations here. In general, I think it may be said that they regard the contemplated change in the form of government without particular concern, feeling their policies wholly unaffected by it unless in the event that it should lead to disorders detrimental to trade and jeopardizing foreign interests; for the rest, the general feeling is that if the Chinese find it possible to reinstitute their traditional form of government, without bringing on revolution or bankruptcy or foreign intervention, so much the better. But opinions differ as to the feasibility of bringing about the change without those consequences. * * *

I have [etc.]

J. V. A. MacMurray.

[Inclosure 1.]

Dr. Goodnow's Memorandum to the President.

[From the *Peking Daily News* of August 20, 1915.]

MONARCHIES ORIGINATE WITH ONE MAN.

The determination in a given country of the form of government established therein has seldom if ever been the result of the conscious choice of the people of that country or even of the choice of its most intelligent classes. The establishment on the one hand of a monarchy or on the other hand of a republic has in almost all instances been due to influences almost beyond human control. The former history of the country, its traditions, its social and economic conditions all have either favored the form of government which has been adopted or, in case the form of government at first adopted has not been in harmony therewith, have soon brought it about that that form is replaced by one which is better suited to the country's needs.

In other words, the form of government which a country usually possesses is for the most part determined by the necessities of practical life. Among the contributing causes which fix forms of government, one of the most important is force. Almost all monarchies thus owe their origin in last analysis to the exertions of some one man who has been able to organize the material power of the country in such a way as to overcome all competitors. If he has able sons or male relatives, if he has ruled wisely and if the conditions of the

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[17] Not printed.

country have been such as to favor monarchical rule, he may be able to establish a dynasty which will during a long period successfully govern the country.

Under such conditions one of the most perplexing problems of government is probably more satisfactorily solved than has usually been the case in republics. For on the death of the monarch there is no question as to the succession to the executive power. No election or other method of choosing a successor is necessary. As the English law expresses it: "The King is dead, Long live the King." In order, however, that the desired result may be attained, it is absolutely necessary that the law of succession be clearly determined and practically universally accepted. Else the death of the monarch will bring into being numerous aspirants for the throne whose conflicting claims can be adjudicated only by resort to civil war.

History would seem to prove, furthermore, that the only permanently satisfactory solution of the question of succession in monarchical states is that which has been reached by the States of Europe. This consists in fixing the succession to the throne upon the eldest son of the monarch or in default of sons, upon the nearest eldest male relative. Under this method he who is by the law of succession entitled to the throne is permitted to waive his rights, in which case, if it is the eldest son who has so waived his rights, the next eldest son takes his place.

If some such method of fixing the succession is not adopted, if for example the succession to the throne is left to the determination of the monarch, who may choose as his successor a son not the eldest, or some other relative not the nearest eldest male relative the uncertainty as to the succession is almost certain to produce trouble. Palace intrigues in favor of the various claimants to the throne are sure to develop which both embitter the closing days of the monarch's life and often lead to confusion if not civil war after his death.

The advantages which history would seem to show are attendant upon a monarchy as compared with a republic, so far as concerns this important question of succession to the executive power, are thus, it would seem, conditioned very largely upon the adoption of that law of succession which experience has shown to be the best, that is, succession in the eldest nearest male line.

EUROPEAN REPUBLICS.

Until recently the accepted form of government both in Asia and Europe was monarchical. It is true that in Europe, contrary to the usual rule there were a few republics such as Venice and Switzerland. But the States possessing a republican government were few in number and small in size. In almost all the important States of the world the government was monarchical in character.

Within the last hundred and fifty years, however, there is noticeable among European peoples a distinct movement away from monarchical and in favor of republican government. The first attempt to establish republican government in any of the large European States was made in England in the 17th century. After a successful revolution Charles I, the English King, was tried by Parliament, convicted of treason and executed. A republic, the so-called "Commonwealth" was established with Oliver Cromwell as "Protector" or President. Cromwell obtained his power as a result of his control of the revolutionary army which had defeated the forces of the crown.

This early English Republic lasted only a few years and fell as a result of the difficulties attendant upon the question of the succession to the Protectorate which arose on Cromwell's death. Cromwell had attempted to place his son Richard in the position left vacant by his death. But either because the English people were not suited to a republic or because Richard Cromwell did not have the characteristics required of the possessor of executive power, this attempt to continue the English Republic was a failure, and England abandoned the republican and re-established the monarchical form of government. Charles II, the son of the executed Charles I, was put upon the throne, largely as the result of the support of the army but with the almost universal approval of the English people.

The next attempt to form a republic among European peoples was made after the American revolution at the end of the 18th century when the United States of America was formed. The American revolution was due not so much to an attempt to overthrow monarchical government as to a desire upon the part of the English colonies in America to obtain their independence of England. The success of this revolution brought, however, in its train,

almost necessarily, the establishment of republican government. There was no royal family left in the country to which its government might be entrusted. There was, furthermore, in the country a distinct sentiment in favor of a republic due in large measure to the fact that quite a large number of those who had participated in the establishment of the ill-fated English Republic in the preceding century had come to America and had exerted even after their death an influence in favor of republican institutions.

It is, however, possible that George Washington, who had led the American armies during the revolution, might have if he had been so inclined, established himself as king. He was, however, in principle a republican rather than a monarchist. He furthermore had no son who, had he been crowned king, could have succeeded him.

The result was that, when the United States obtained its independence, it difinitely adopted the republican form of government which has lasted during a century and a quarter. The unquestioned success which has attended the United States during most of its existence has done much to give to the republican form of government the prestige which it now possesses. It is well, however, to remember that the United States inherited from England the principles of constitutional and parliamentary government and that these principles had been applied in America for a century or more before the republic was established. The change from the form of government which was in force during the colonial period to the republic adopted in 1789 was not therefore anything in the nature of a change from autocracy to a republic. Such a change as was made had been preceded by a long period of preparation and discipline in self-government. Furthermore, the American people even of that day possessed a high grade of general intelligence, owing to the attention which had from the very beginning of American history been given to the common schools where almost every child could learn at any time to read and write.

The establishment of the American Republic was followed almost immediately by the formation of the French Republic. The Government of France prior to the declaration of the republic had been autocratic. Almost all public powers were centered in the crown and the people participated hardly at all in the administration. The French people had thus had little experience in self-government and were therefore unable to carry on successfully the republic which they endeavored to establish. Periods of disorder followed by military dictatorships followed in rapid succession. The monarchy was restored after the fall of Napoleon largely as the result of foreign intervention. A revolution in 1830 brought into being a more liberal monarchy. This was overthrown by a revolution in 1848, when a republic was again established. The President of this Republic, the nephew of the great Napoleon, overthrew it and declared himself Emperor. After the Franco-Prussian war in 1870 he was deposed and the present French Republic came into being. This republic has now lasted nearly half a century and gives every evidence of permanence.

It is well to remember, however, that the present permanence of republican institutions in France was secured only after nearly a century of political change, if not disorder, and that during that century serious attempts had been made both to give the people generally that education upon which intelligent political action must be based and to accustom them by participation in public affairs to the exercise of powers of self government.

The French, like the Americans, would appear to have solved successfully the most difficult problems in republican government, that is the succession to the executive power. In France the President is elected by the Legislature. In the United States he is elected by the people. In both France and the United States the people have long had experience in self government through participation in public affairs, while in both countries, during the past half century particularly, great attention has been paid to their general education through schools in many cases supported by the Government. The result is that the grade of intelligence of the people in both America and France, is comparatively speaking, high.

THE LATIN REPUBLICS.

The examples given in the latter part of the 19th century by the United States and France were very largely followed in South and Central America at the time the former Spanish colonies in this part of the world achieved their independence. As was the case in the United States when it became independent a republic seemed the only practicable form of government which

could be adopted. There was no royal family to which the people might look for guidance.

The success which had been attendant upon the establishment of a republic in North America had caused the belief to be entertained by many thinkers, both that a republic was the best form of government and that its establishment and maintenance were possible under all conditions and among all peoples. Republics were therefore established almost everywhere throughout South and Central America. But, either because of the disorders which were incident to the long struggle for independence or because of the difficulties inherent in a republican form of government among a low grade of intelligence, due to the lack of general education, and accustomed only to autocratic rule, the South and Central American Republics have not been generally successful. For years after the independence of the Spanish colonies was achieved South and Central America was the scene of continual disorder, incident for the most part to the struggles of military leaders for political power. At times there were periods of comparative peace due to the success of some extraordinarily strong man who was able to seize and keep in his hands political power. Little if any attempt was for a long time made by any of those who obtained political power to educate the people generally through the establishment of schools or to aid them in the acquisition of political experience by according them participation in the government. The result was that when the strong hand which controlled the country was relaxed, owing either to the increasing age or death of him who possessed political power, disorder again appeared due to the struggles of the claimants for the political succession—since no satisfactory solution of the question of succession was reached. Whatever progress the country had been able to make during its period of peace was arrested and not infrequently the anarchy and chaos which followed caused a serious deterioration in the economic and social conditions of the country.

What has happened in Mexico recently has too often been the lot of the Central and South American States under a republican form of government not suited to their stage of economic and political development. Under the Government of Diaz, who acquired political power through his control of the army, it seemed as if Mexico had successfully solved the problem of government. Diaz, however, did little for the education of the people and discouraged rather than encouraged their participation in the government. When increasing age caused him to relax his control revolution broke out again and he fell from power. Since his loss of power the country has been devastated by the contending armies of rival leaders, and at present it would seem that its salvation is possible only as the result of foreign intervention.

It is of course true that in some of the South American countries progress is apparently being made in solving the problems of republican government. Such countries are particularly Argentine, Chile and Brazil. In both Argentina and Chile a long period of disorder and disturbance has been followed by a comparatively long period of peace. In Brazil the establishment of the republic about twenty-five years ago, was accompanied by little trouble and the subsequent life of the republic has been a peaceful one. In all three countries considerable progress has been made in the establishment of constitutional government, in Argentine and Chile as one of the results of the struggles of the early part of the nineteenth century, in Brazil, partly at any rate, during the empire which preceded the present republic, and which encouraged the participation of the people in the government of the country.

LESSONS FROM REPUBLICAN EXPERIENCE.

The experience in the South and Central American countries would seem to inculcate the same lessons which may be derived from the experience of the United States and France. These are

1st. That the difficult problem of the succession to executive power in a republic may be solved by a people which has a high general intelligence due to the existence of schools where general education may be obtained and which has learned to exercise political power through participation in the affairs of government; and

2d. That little hope may be entertained of the successful solution of the question of presidential succession in a country where the intelligence of the people is not high and where the people do not acquire political wisdom by sharing in the exercise of political power under some form of constitutional

government. Where such conditions do not exist a republican form of government—that is a government in which the executive is not hereditary—generally leads to the worst possible form of government, namely, that of the military dictator. The best that can be hoped for under such a system is periods of peace alternating with periods of disorder during which the rival claimants for political power are striving among themselves for the control of the government.

GREAT POWERS WILL NOT PERMIT DISORDER.

At the present time, it may further be remarked, it is very doubtful whether the great Powers of the European world will permit the government of the military dictator permanently to exist, if it continues to be accompanied by the disorder which has been its incident in the past. The economic interests of the European world would have grown to be so comprehensive, European capital and European commercial and industrial enterprises have become so wide in their ramifications that the governments of the foreign countries interested, although caring little what may be the form of government adopted by the nations with which they deal, are more and more inclined to insist, where they have the power, that conditions of peace shall be maintained in order that they may receive what they consider to be the proper returns on their investments. This insistence they are more and more liable to carry to the point of actual destruction of the political independence of offending nations and of direct administration of their government if this is necessary to the attainment of the ends desired.

It is therefore becoming less and less likely that countries will be permitted in the future to work out their own salvation through disorder and revolution, as may have been the case during the past century with some of the South American countries. Under modern conditions countries must devise some method of government under which peace will be maintained or they will have to submit to foreign control.

CHINA'S NEEDS CONSIDERED.

The question naturally presents itself: How do these considerations affect the present political situation of China?

China is a country which has for centuries been accustomed to autocratic rule. The intelligence of the great mass of its people is not high owing to the lack of schools. The Chinese have never been accorded much participation in the work of government. The result is that the political capacity of the Chinese people is not large. The change from autocratic to republican government made four years ago was too violent to permit the entertainment of any very strong hopes for its immediate success. Had the Tsing dynasty not been an alien rule which it had long been the wish of the Chinese people to overthrow, there can be little doubt that it would have been better to retain the dynasty in power and gradually to introduce constitutional government in accordance with the plans outlined by the commission appointed for this purpose. But the hatred of alien rule made this impossible and the establishment of a republic seemed at the time of the overthrow of the Manchus to be the only alternative available.

It cannot, therefore, be doubted that China has during the last few years been attempting to introduce constitutional government under less favorable auspices than would have been the case had there been a royal family present which the people regarded with respect and to which they were loyal. The great problem of the presidential succession would seem still to be unsolved. The present arrangement cannot be regarded as satisfactory. When the present President lays down the cares of office there is great danger that the difficulties which are usually incident to the succession in countries conditioned as is China will present themselves. The attempt to solve these difficulties may lead to disorders which if long continued may seriously imperil the independence of the country.

What under these conditions should be the attitude of those who have the welfare of China at heart? Should they advocate the continuance of the republic or should they propose the establishment of a monarchy?

These are difficult questions to answer. It is of course not susceptible of doubt that a monarchy is better suited than a republic to China. China's history and traditions, her social and economic conditions, her relations with

foreign powers all make it probable that the country would develop that constitutional government which it must develop if it is to preserve its independence as a State, more easily as a monarchy than as a republic.

But it is to be remembered that the change from a republic to a monarchy can be successfully made only on the conditions

1st. That the change does not meet with such opposition either on the part of the Chinese people or of foreign Powers as will lead to the recurrence of the disorders which the present republican government has successfully put down. The present peaceful conditions of the country should on no account be imperiled.

2d. The change from republic to monarchy would be of little avail if the law of succession is not so fixed that there will be no doubt as to the successor. The succession should not be left to the crown to determine for the reasons which have already been set forth at length. It is probably of course true that the authority of an emperor would be more respected than the authority of a president. The people have been accustomed to an emperor. They hardly know what a president is. At the same time it would seem doubtful if the increase of authority resulting from the change from president to emperor would be sufficient to justify the change, if the question of the succession were not so securely fixed as to permit of no doubt. For this is the one greatest advantage of the monarchy over the republic.

3rd. In the third place it is very doubtful whether the change from republic to monarchy would be of any lasting benefit to China, if provision is not made for the development under the monarchy of the form of constitutional government. If China is to take her proper place among nations greater patriotism must be developed among the people and the government must increase in strength in order to resist foreign aggression. Her people will never develop the necessary patriotism unless they are given greater participation in the government than they have had in the past. The government never will acquire the necessary strength unless it has the cordial support of the people. This it will not have unless again the people feel that they have a part in the government. They must in some way be brought to think of the government as an organization which is trying to benefit them and over whose actions they exercise some control.

Whether the conditions which have been set forth as necessary for such a change from republic to monarchy as has been suggested are present, must of course be determined by those who both know the country and are responsible for its future development. These conditions are present if there can be little doubt that the change would be of benefit to the country.

FRANK J. GOODNOW.

[Inclosure 2.]

The Society for Peace. Chou An Hui.

[From the *Peking Gazette*, August 16, 1915.]

A number of prominent officials, including Messrs. Yang Tu, Sun Yu-yun, Yen Fu, General Li Shi-ho and others have promoted a society under the name Chou An Hui, or the Society for Peace. The following is a translation of the manifesto:—

During the revolution of 1911 the racial prejudices of our people were so aroused that their attention was entirely concentrated on the removal of a certain section of the population and they did not give the least consideration to the future political affairs of the country. They hastily adopted the republican form of government without weighing carefully its suitability for this country. When a proposal to this effect was made by a few people, others followed blindly without further questioning its advisability. The farsighted people at that time foresaw the danger and trouble to the future of the country, but to prevent dissension and other troubles, which would have further endangered the existence of the country, were compelled to accept this proposal though reluctantly. Since the abdication of the Tsing Imperial House, followed by a period of anarchy, the régime of the Provisional Government and finally the establishment of the present Government, there have been numerous crises in the Government and many unspeakable sufferings of the people which are still fresh in the memory of every class of our people. If a proper measure is not devised to remedy the situation, there will be endless trouble in this country.

In such countries as Argentine, Peru, Chile and other Republics in South and Central America, party feuds have been the order of the day, and such quarrels frequently culminated in civil war. In Portugal the recent change of Government from a monarchy to a republic has been immediately followed by deadly internecine strife and the worst case of all is in Mexico. Since the abdication of Diaz, that country has been seething with civil strife till the present day. Their party leaders have struggled for supremacy with one another with military force. When they win they occupy the land and when they are defeated they never scruple to commit looting, incendiarism and massacre. Finally the whole nation is divided into five camps with as many presidents, and the country is practically in a state of anarchy. As we are a newly established republic, we should take Mexico as our object lesson.

The United States of America is the senior republic of the world and her great student of politics, Dr. Goodnow, has stated that a monarchy is a better form of government than republicanism and according to his opinion, a monarchical form of government is most indispensable for China at present. This view has been shared by not a few notable scholars of other countries. As Dr. Goodnow is a citizen of a republic, he is more competent to make such a statement than others. His words are,

the conditions are different in China and America and it is impossible to transplant one system from one country to another.

If foreigners who are in sympathy with China have so openly and loudly laid before us their unprejudiced views, can we people of China leave everything to fate, raising not a hand to find a fundamental solution for this important problem? Where is your patriotism? Where is your duty as a citizen to the country, if you, for fear of adverse criticism or other dangers, remain silent and indecisive?

As we are the people of this country, the prosperity or decline of this country is nothing less than the prosperity or decline of ourselves. Therefore we cannot bear to sit silent and see the country being obliterated out of existence without making any attempt to save it. We have therefore gathered a number of our sympathizers and started this society with a view to devising means for keeping peace in this country. We shall each give our views concerning the future of our country and the advantages and disadvantages accruing from the republican form of government for general discussion. There are not a few wise and farsighted people in this country, and if they are kind enough to condescend to join us in the discussion of these points, we shall extend them our heartiest welcome.

YANG TU,
SUN YU-YUN,
YEN FUH,
LIU SHIH-PEI,
LI HSI-HO,
HU YING.
Promoters.

[Inclosure 3.]

A statement by Dr. Goodnow.

[From the *Peking Gazette* of August 18, 1915.]

The following statement of views expressed by Dr. Goodnow in an interview which we had with him yesterday, defines his attitude on the subject of a monarchical restoration in China in terms which forbid the further citation of his name in support of the thesis that "a monarchical system of government is better than a republican system." It is also clear that Dr. Goodnow cannot be cited as an authority for the proposition that a monarchical form of government is most indispensable at present in China in the sense suggested by the Chou An Hui in the manifesto published in our issue last Monday. In the interests of clear thinking and of the national welfare, it is to be hoped that this exceedingly grave and anxious question will be discussed with care and with exact knowledge of the principles and all the facts involved, bearing in mind the possibility—if not the probability—of the proposed change reacting with disastrous effect on the foundations of the State.

Referring to the leading article which appeared in these columns on Monday, Dr. Goodnow stated that the statement attributed to him to the effect that "a monarchical system of government is better than a republican system,"

which we had quoted from the manifesto of the newly formed Chou An Hui or Society for Peace was not a correct statement either of anything that he has said or of his views. Dr. Goodnow declared that he not only had never made such a statement, but, on the contrary, he was of the opinion that no form of government could be said to be superior under all conditions to other forms of government. He believed that for some countries—where the conditions were favorable—a republican form of government was the best form of government. This was true of the United States and France. In these countries the grade of intelligence of the people was high, owing to the long continued existence of schools, and the people themselves had for many years participated in the work of government and, through this participation, they had learned the lesson of self-government. On the other hand it was just as true, he thought, that a monarchy was often better suited for countries where the conditions were different from those obtaining in the United States and France.

Dr. Goodnow also expressed it as his opinion that conditions in China made difficult the orderly development of republican government; because, among other things, of the general lack of knowledge of the people and their long subjection to autocratic rule. He said that from some points of view it had been unfortunate that China could not have carried further the experiment—begun by the Manchus—of developing gradually constitutional government under a monarchy, but that probably under the conditions existing after the revolution, the establishment of a republic was unavoidable.

When asked his opinion as to the expediency of re-establishing a monarchy in China in the near future, he said that the change could be justified only because under a monarchy the question of the succession to the executive power, the most dangerous question in republics, might possibly be more satisfactorily solved than was probable under any sort of republican government which was likely to be established in this country. The settlement of this question had often, particularly in some of the South and Central America States, led to civil war which had as its result the worst form of government known, viz, that of the military dicator. Chinese could not afford to permit civil war or great disorder, as this would almost certainly lead to foreign intervention with the probable loss of political independence.

And, speaking slowly and with care, he added that because of these considerations, a monarchical restoration in China would be justified, in his opinion, only on condition

(a) That the change be acceptable both to the thinking people of China and to the foreign Powers in order that it might not meet with such opposition as would lead to disorder;

(b) That the succession to the throne be so fixed that no doubt could arise on the death of the monarch as to who would succeed. If we might judge from European experience, the only proper method of fixing the succession was to give it to the eldest son of the monarch or in default of sons to the eldest nearest male relative;

(c) That the monarchy established be a limited constitutional monarchy, which, while for the moment vesting large powers in the Crown, would permit of the gradual development of greater popular government. The re-establishment of the former autocratic monarchy in China could not be regarded as promising any improvement over present conditions.

When asked whether these conditions could be met at present in China, Dr. Goodnow said that he did not know enough about the country or of Chinese opinion to be able to express an opinion of any value and must therefore leave that question to be answered by those who did know China's conditions and were responsible for her destinies.

File No. 893.01/24.

The Secretary of State to Chargé MacMurray.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 7, 1915.

The Department approves the Legation's position as indicated in your September 4.

LANSING.

File No. 893.01/27.

The President's Message, conveyed by Mr. Yang, the Senior Under Secretary of State, on the 6th of September, to the Council of State acting in the capacity of Li Fa Yuan.

[Copy left at the Department of State by Mr. Yung Kwai, Counselor of the Chinese Legation, on September 7, 1915. Acknowledgment of receipt made to the Chinese Minister on September 9, 1915.]

It is now four years since I have been entrusted by the people with the office of President of the Chinese Republic. During these troublous years, fearing that my ability is not equal to the task, I have labored under much anxiety and misgiving and have looked forward to the time when I may be relieved and permitted to retire. But so long as I am in my present position it is my constant duty and responsibility, which admit of no evasion, to protect the country and the people; it is my special duty to maintain the Republic as the form of government. Recently many citizens from the provinces have petitioned the acting Li Fa Yuan to change the form of government—a state of things which is incompatible with my position as President. But as the office of President is conferred by the people, it should of course depend on the will of the people. Moreover, since the acting Li Fa Yuan is an independent organ and as such is free from outside interference, I should not, strictly speaking, express any views before the people of the country nor to the acting Li Fa Yuan. As, however, any alteration in the form of government makes a radical and important change in the Executive Department, and as I am the Chief Executive, I feel that even at the risk of misinterpretation of my motives I cannot remain silent. In my opinion a change in the form of government involves such a momentous change in the manifold relations of the State that it is a matter which demands the most careful and serious consideration. If it is decided on hastily, serious obstacles will arise. It being my duty to maintain the general situation, I regard the proposed change as unsuitable to the circumstances of the country. As to the petition of the citizens, their object is of course no other than to strengthen the foundation of the State and to increase the prestige of the country. If the opinion of the majority of the people of the country is consulted, good and proper means will undoubtedly be found. Furthermore, as the Constitution of the Republic is now being drafted with due consideration of the conditions of the country, careful thought and mature discussion, a suitable and practicable law will be devised.

I commend this to your attention, Gentlemen of the acting Li Fa Yuan.

File No. 893.01/45.

Charge MacMurray to the Secretary of State.

[Extract.]

No. 766.]

AMERICAN LEGATION,
Peking, September 24, 1915.

SIR: In continuation of my despatch No. 747 of the 7th instant, on the subject of the contemplated change in the form of government of China, I have the honor to transmit herewith the following

reports[17] from consular officers, additional to those forwarded in that despatch, in regard to the character and effects of the monarchical movement in the several consular districts: Amoy, Canton, Changsha, Foochow, Hankow, Harbin, Shanghai, Swatow and Tientsin.

The impressions to be derived from the study of these reports are singularly consistent and harmonious. Except for Shanghai, Swatow and Harbin, which report a suspicion of Japanese instigation, and Tientsin and Mukden, which indicate a noticeable degree of acquiescence on the part of the local Japanese press, none of these reports points elsewhere than to Peking as the origin of the whole movement; it seems to be everywhere believed that the agitation has been inspired in the highest quarter of the Government, acting through such agencies as the Ch'ou An Hui and the Peking Chamber of Commerce to elicit the support or at least the acquiescence of the provincial officials and of the local commercial and other popular bodies. The propaganda appears to have taken in general a purely argumentative form, except in certain cases in which coercion is reported to have been employed in suppressing opposition on the part of the press. It may be added, however, that in several instances occurring in Peking I have direct information of attempts by the Ch'ou An Hui to purchase the support of certain press correspondents. On the other hand, the only overt act of violence thus far perpetrated on the part of the opponents of the movement is the attempt to bomb the office of the *Asiatic Daily News* on the morrow of its establishment as the mouthpiece of the Ch'ou An Hui in Shanghai. The proposal to revert to the monarchical system would appear to have created surprisingly little impression throughout the country, except in the capital and (to a less degree) in Shanghai; it would almost seem that it is accepted by the people of China as being, if not wholly desirable, at any rate as a natural and inevitable working out of existing conditions. For reasons sufficiently obvious, the movement seems almost universally to command either the active support or at least the cordial lip-service of the official classes; there are also certain reactionary sections of the literati who are wholly in sympathy with the proposed restoration of the traditional type of government; the merchants and the majority of the gentry appear to be as a rule unsympathetic with the proposal, but desirous of tranquillity under whatsoever political conditions, and therefore disposed to acquiesce in the change with what grace they can; the student classes are more or less openly hostile to the movement; the professed revolutionaries have as yet given no indication of the use which they may find it feasible to make of the situation, although they may no doubt be counted on to utilize the opportunity to spread a feeling of distrust and disaffection from the Government; and the vastly preponderant mass of the people of the country appear to be utterly indifferent to the proposed change as in fact they are utterly ignorant of the character of the republican system under which they are at present governed. Under these circumstances, there seems to be ample warrant for the opinion, held by all the consular officers whose reports are enclosed, that (so far, at least, as concerns its direct and im-

[17] Not printed.

mediate effects) there is no reason to apprehend that the reinstitution of a monarchical form of government would lead to organized resistance or to anything more serious than isolated outrages, and perhaps local disorderes which the Government troops would be quite able to restrict.

It is therefore not surprising that the Government now seems to feel itself in a position to carry out the projected change with a satisfactory degree of haste by means which will be at least ostensibly legal and will therefore excite as little domestic antagonism as need be, and avoid so far as possible any pretext for outside interference.

From a confidential source which I believe to be dependable, I have learned that the development of the movement for the reinstitution of the monarchy has led up to the present situation through a course of which the following is a general outline:—The reactionary military faction, usually known as the Anhui Party, has for a considerable time been favoring the President's assumption of imperial dignity, but their influence was until recently counterbalanced by the opposition of the so-called Cantonese Party, which dominates the financial administration of the Government. Early in June, however, the influence of the Anhui Party began to predominate; and its ascendancy over the President found manifestation in the extraordinary series of impeachments which was reported in my despatch No. 722 of August 6 last.[17] Realizing the dominant political position which the rival faction had thus attained, Liang Shih-yi, the actual leader of the Cantonese Party, resolved to steal their thunder by bringing his adherents to the support of the ambitions which the President was known to cherish. The immediate results of this manoeuvre were a reconciliation between the President's eldest son, Yuan K'o-ting, and Mr. Liang (to whom he had theretofore been hostile), the remarkable expression of confidence in the latter which the President caused to be published (as reported in by 722, above cited), and the discontinuance of virtually all the impeachments that had been brought against officials of the Cantonese Party. Some of the more prominent of the Anhui Party officials were disposed to sulk at this reversal of the situation; the Minister of War, Tuan Chi-jui, rather than follow the leadership of his political rivals in the plagiarized policy, resigned; and the Minister of Education, T'ang Hua-lung, attempted unavailingly to do so; the Minister of Finance, Chou Hsüeh-hsi, and the Minister of Communications, Liang T'un-yen, remained in the Cabinet with occasional precautionary spells of illness, looking on rather unsympathetically from aloof. Some of the less weighty members of the party, however, attempted to assume the leadership in the movement by founding the Ch'ou An Hui or Peace Planning Society for the purpose of propaganda, based upon an obvious but convenient perversion of the views set forth in the confidential memorandum which Dr. Goodnow had prepared at the President's request. The propaganda of this society would really seem to have served a purpose in furtherance of the project, by demonstrating the almost complete indifference of the people towards the question of the form of government, and by forcing expressions of

[17] Not printed.

opinion on the subject from those who could not without risk or embarrassment either reply unsympathetically or keep silence; but the rather puerile and blatant methods of the society brought down upon the movement a certain amount of ridicule; and in the early part of this month it had begun to be felt that the Ch'ou An Hui had exhausted its usefulness and might be expected to be discarded as a means to the end in view. On September 13 the Secretary of State communicated, for the information and guidance of the Minister of the Interior, the views of the President to the effect that

the activity of the Ch'ou An Hui shall be restricted to the discussion of the forms of government. The society shall do nothing more.

Plans had in fact already been made to take advantage of the state of feeling in the country, which the propaganda of the society had revealed rather than created.

The next definite step in the progress of the movement was taken on September 20, by the Tsan Cheng Yuan or Council of State, as had been intimated in the message which the President addressed to that body on the 6th instant. The Council, at a meeting which began as an informal one, set itself to the consideration of the action to be taken upon the petitions received by it from the representatives of officials and commercial bodies urging the change in the form of government; and after having constituted the session a formal one, it unanimously decided to transmit the petitions to the President with the suggestion that " with the view that a fundamental solution be found so that the general situation may be settled and the mind of the people be set at ease," he should " accelerate the convocation of the National Convention within this year "—" or " (according to an amendment to the report that had been made by the committee in charge of the matter) " devise other proper and adequate means to consult the will of the people ".

There has been much speculation as to the purport of the amendment thus adopted with an inspired unanimity, which would of course make possible some shortcut to the " fundamental solution " which is contemplated; it has been surmised that it might be the intention of the Government either to confide the solution to the Council of State itself, or to have the change voted by the electors for the Kuo Min Hui or National Convention which is presumably to be convened in October next. From the best information now available, however, it appears probable that the question of the reinstitution of the monarchical system will be submitted to the National Convention itself. The present indications are that, in view of delays which have taken place in the preliminary elections by reason of difficulties of communication, the Convention may not convene until early in 1916, instead of on October 20 next as had been planned.

In this connection I may add that there is reason to foresee that when the National Convention shall have evidenced its value as a representative body by having enacted the fundamental solution of the question of the form of government, it will be converted from a constituent assembly into the legislature of the country, taking the place of the proposed Li Fa Yuan or Legislative Assembly. * * *

I have [etc.]

J. V. A. MacMurray.

File No. 893.01/30.

Minister Reinsch to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, October 2, 1915, 6 p. m.

Monarchist movement has gained in strength and extent so that most Legations now expect its successful consummation within a short time. Liang Shih-yi and the Cantonese Party are endeavoring to give the movement constitutional form: on the motion of former the Council of State is making provisions for a referendum on the question of the form of State in connection with elections of members of the citizens' Constitutional Convention which are set for October 21. Under this law each hsien is to elect one delegate; all the delegates of the hsien in any province are to meet in the provincial capital and there to vote on the main question on a date to be fixed by Presidential mandate.

The original promoters of the movement, the military and the Anhui Party, are reported as not greatly pleased with this policy which would base action upon the consent of the whole body of citizens rather than on the support of any party or class. The leaders who favor this policy are also likely to work for the development of representative institutions and of a responsible administration under the monarchy if restored. These progressive elements realizing the strength of monarchical movement have allied themselves with it in the hope of and with the intent of influencing it in the direction of constitutionalism.

Meanwhile the military leaders are reported as being impatient and apprehension is expressed lest on October 10 some *coup d'état* be attempted by them or that on the other hand radical revolutionists may chose this day for violent measures. Extra police precautions are being taken. The President has stated to one of his advisers that he would not allow the military to place him in the position of accepting the crown in a *coup d'état*. In the event of a restoration of the monarchy no open resistance is expected although there may be some bomb throwing.

REINSCH.

File No. 893.01/49.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 782. AMERICAN LEGATION,
Peking, October 11, 1915.

SIR: In continuation of the Legation's despatch No. 766, of September 24 I have the honor to report further developments in the monarchical movement:

In the councils of the leading men favoring the movement, who now include nearly all the prominent officials of China, the opinion prevails that the change should be brought about in something like a constitutional form. It has therefore been decided to institute

a national referendum on the question of the form of State. A bill was drafted and introduced in the Council of State (Tsan Cheng Yuan) on October 1; after discussion, extending over several meetings, the bill was given the form of law on the 6th instant (a translation of the text of the law, as published in the *Peking Gazette* of October 8, is enclosed herewith).

The principle of this law is based upon the idea of using the electoral machinery, which is to be provided for the selection of a representative body to adopt a constitution, for the incidental purpose of first deciding the question of the form of the State; for this purpose, it is provided that each district, or hsien, of the eighteen provinces of China proper, and of Manchuria, is to elect one representative, and that, moreover, in addition to these, the other dependencies, the bannermen, the chambers of commerce, and recognized scholars shall elect a certain number of representatives. The representatives elected from each province are to meet at the provincial capital and there to ballot upon the question of the form of State. The date of the general election has been fixed on November 5; that for balloting by the electorate representatives on the principal question, on November 15.

While reports from all parts of the country indicate that no concerted opposition to the change in the form of State is to be expected, yet considerable apprehension was felt lest the review of troops at Peking, which had been set for October 10, the Chinese national holiday (the anniversary of the outbreak of the revolution in 1911), should be made the occasion for some demonstration in favor of the monarchy, or for attempts at assassination by revolutionary opponents of the movement. The review of the troops was countermanded and the national holiday passed very quietly.

In several interviews, their excellencies Liang Shih-yi and Chou Tsz-ch'i, the Minister of Agriculture and Commerce, leaders of the Cantonese Party, have given me a very full account of their policy; they claim that among officials, as well as the commercial classes, there exists a strong preference for the monarchical form of government; they state that the traditions and customs of China emphasize personal relationships in government and business, and that the abstract forms of thinking in terms of institutions and corporations are not yet sufficiently developed. The officials are said to desire the change because authority would be more permanently established and its manifestations would be more readily understood by the mass of the people; they urge that it would be far easier to carry through a fundamental financial reform, such as that of the land tax, through a form of authority with which the people are more familiar. Everyone recognizes that the possibility of reforming the land tax constitutes the ultimate test as to whether or not the Chinese Government can last and retain its independence; as this is a matter which affects the traditional relative immunity of the agricultural classes from taxation, their customary liberty and independence, the officials appear to believe that any attempt to impose a greater burden on the agricultural classes would have to be backed up by all the strength public authority could derive from national traditions. The commercial classes, on the other part, are alleged to favor the change, where they are not indifferent, because a permanent settle-

ment of the question of succession would have a favorable effect upon commercial and industrial enterprises.

Mr. Liang Shih-yi desires to emphasize the constitutional side of the movement. He has succeeded in taking it out of the hands of the Military Party and giving it a civil character. He stands strongly for the creation of a representative parliament, with full liberty of discussion. It is his desire to utilize the change for the purpose of bringing about a reform of the financial and general administration. He is also greatly in favor of utilizing the assistance of properly qualified foreign experts in actual work in all branches of the public administration. It would appear that he has succeeded in imbuing the President with the idea of the desirability of these policies.

His Excellency Yuan Shih-k'ai, in an interview which I had with him on the 4th instant, spoke in terms of studied neutrality of the popular vote by which the question of the form of the State is to be determined. Should the vote be favorable to the continuance of the present system, there would be no change; should it, on the contrary, favor the return of a monarchical form, a great many difficult questions of organization would have to be decided. He expressed himself as strongly in favor of a representative parliament, which, while its power over finances would have to be limited, would be given full liberty in the discussion of public policies. He expressed a great desire to advance the education of the people and their intelligence in public matters, and stated that it was his wish that the foreign experts employed by the Chinese Government should not longer merely hover around the outside of the Departments as occasional advisers, but should be put to work in helping to develop the administrative activities in the different Ministries and their bureaus.

High Chinese officials have sought conversations with me on the question which now principally interests them. While taking the position that the determination of the form of State is a matter entirely for the Chinese people to determine, I have indicated that a change to the monarchical form could not be expected to be received with applause in the United States. I have emphasized, above all, the prime necessity of serious attention being given to the continued development, in an accelerated measure, of live representative institutions, with freedom of public discussion; and the establishment of methods in the public administration which will make for thorough efficiency and complete accountability to the public.

I have [etc.]

PAUL S. REINSCH.

[Inclosure.]

Text of law on the organization of the Convention of Citizens' Representatives.

[From the *Peking Gazette* of October 8, 1915.]

Art. 1. Respecting the petition of the entire body of citizens of China concerning the question of form of State, the question raised shall be decided by the Convention of Citizens' Representatives in accordance with the collective wish of the entire body of the citizens of the country.

Art. 2. The election of members to the Convention of the Citizens' Representatives shall be effected by the system of initialled single balloting. Those who secure a majority of votes shall be elected.

Art. 3. The Convention of Citizens' Representatives shall be composed of the following representatives:

(a) The number of representatives for each province or special administrative area shall be limited to the number of districts that province or special administrative area comprises. (Herewith attached the table of the areas of districts of the provinces and special administrative areas drawn up by the Ministry of Interior.)

(b) Outer and Inner Mongolia: 32 representatives.

(c) Tibet: 12 representatives.

(d) Chinghai: 4 representatives.

(e) Mohammedan regions: 4 representatives.

(f) The Manchu, Mongolian and Chinese Banners (eight each) shall elect 24 representatives.

(g) The Chambers of Commerce throughout the country and the Oversea merchants 60 representatives.

(h) 30 representatives shall be elected by those who have done good service to the country.

(i) Recognized learned scholars: 10 representatives.

Art. 4. The representatives of the citizens in the provinces and special administrative areas shall be elected by the successful candidates of the primary election for the Citizens' Convention in each district.

Art. 5. The representatives of the citizens in Mongolia, Tibet, Chinghai and Mohammedan Regions shall be elected by the electors of the single ballot election of the combined electorate of Mongolia, Tibet and Chinghai connected with the Citizens' Convention.

Art. 6. The representatives of the Manchu, Mongolian and Chinese Banners shall be elected by the electors of the single ballot election of the princes, dukes, hereditary nobles and other hereditary personages of the Banners belonging to the special central electorate in connection with the Citizens' Convention.

Art. 7. The representatives of the Chambers of Commerce of the whole country and Oversea merchants shall be elected by the electors of the single ballot election of the merchants, artisans and industrial men possessing capital of $10,000 or more, and Oversea merchants possessing commercial or industrial capital to the amount of $30,000 or more, belonging to the special central electorate in connection with the Citizens' Convention.

Art. 8. The representatives of those who have done good service to the country shall be elected by the electors of the single ballot election of those who have done good service to the country belonging to the special central electorate in connection with the Citizens' Convention.

Art. 9. The representatives of the recognized learned scholars shall be elected by the voters of the single ballot election of learned scholars, graduates from High or Higher schools after completing a course of not less than three years, others having qualifications similar to the graduates named above, teachers having taught for two or more years in High or Higher schools, belonging to the special central electorate in connection wth the Citizens' Convention.

Art. 10. The following rules shall govern the superintendents of elections.

(1) In the provinces the respective highest superior officials shall jointly supervise the election as superintendents.

(2) In the special administrative areas the highest superior officials concerned shall supervise the election.

(3) Respecting clauses (b), (c), and (d), of Article 3, the director general of the board for Mongolia and Tibet shall act as superintendent.

(4) Respecting clauses (e), (f), (g), and (h), of Article 3, the Minister of Interior shall act as superintendent.

If necessary, the election of representatives and the affairs thereof may be entrusted to the magistrate of each district by the order of the superintendent.

Art. 11. The poling stations shall be situated at the places where the superintendents reside. When the appointed date arrives, the superintendent shall convoke the electorate by calling those who have reported themselves, and the election shall then proceed forthwith. But if the superintendent should deem it necessary, the election of the representatives and the affairs thereof may be entrusted to the magistrates of the districts.

Art. 12. The date for the election of representatives to the Convention of Citizens' Representatives shall be fixed by the superintendents.

Art. 13. In settling the issue stated in Article 3 of this law by the Convention of Citizens' Representatives the initialed balloting system shall be adopted. The results shall be reported by the superintendents concerned to the organ acting in the capacity of the Li Fa Yuan, for reference which shall add together the votes of the whole country and ascertain what is the consensus of opinion of the Convention of Citizens' Representatives.

The balloting papers mentioned above shall be forwarded, after they have been checked to the acting Li Fa Yuan under sealed cover for reference.

The date for voting for the form of State shall be fixed by the superintendents.

Art. 14. The text of the question regarding the form of State to be balloted for shall be drawn up by the acting Li Fa Yuan, which shall first pass the same and then forward it to the superintendents, who shall announce the same on the balloting day to the representatives of the citizens.

Art. 15. Respecting the preparations in connection with the election and balloting as provided in this law, they shall be managed by the bureau in charge of the affairs of the Citizens' Convention.

Art. 16. This law shall come into force on the day of promulgation.

File No. 893.01/72.

The Japanese Embassy to the Department of State.

PARAPHRASE OF A TELEGRAM FROM BARON ISHII TO VISCOUNT CHINDA.[19]

As no doubt the Government to which you are accredited is well aware, a plan to inaugurate a monarchical government in China has recently made sudden and rapid developments. While the inadequate means of communication, coupled with the fact of manipulation of the press freely resorted to by the Chinese authorities, make it extremely difficult to learn the actual and true state of affairs in China, one thing seems certain: that the feeling prevailing in the country against the monarchical movement is very much stronger than at first suspected. This is particularly the case in the Yangtze Valley and South China, where the strong opposition sentiment is widely diffused.

No pains are, it seems, spared by the Chinese Government in the endeavor to put a peaceful face on the situation by resorting to various means such as causing the provincial authorities to frame and submit reports favorable to the execution of the monarchical plan and giving publicity thereto, or directing these authorities to exercise weighty pressure directly and indirectly upon the opposition. But in point of fact the more it attempts to hasten the realization of a monarchy the stronger grows the opposition sentiment. So long as the present political status is maintained in China, there would seem to be little fear of any intestine disturbances arising in the immediate future, and it is to the monarchical plan that the present state of disquietude is to be attributed. Should change of the polity be unfortunately followed by an upheaval and dissensions, the consequence thereof to be suffered by the countries having important interests in China would be beyond calculation.

At a time when, in view of the European situation, it is deemed desirable to avoid any event that may in the least tend to further prejudice the general peace of the world, the Imperial Government, particularly solicitous as it is of peace in the Far East, cannot but view with grave concern the situation in China as is pointed out above. It need scarcely be mentioned that the Imperial Government

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[19] Handed to the Secretary of State by the Japanese Ambassador October 27, 1915.

has not the remotest intention to intervene in the internal affairs of China, but, the situation in that country being as it is, it is desirous of preventing possible disaster in time. With this object in view, the Imperial Government proposes at this juncture to enquire of the Chinese Government whether it is counting upon a peaceful inauguration of the monarchical form of government unattended by any disturbances, and at the same time to offer to it an informal and friendly advice in the sense that, inasmuch as the furtherance of the monarchical plan involves, in the opinion of the Imperial Government, a danger of inviting disorder in China, it would be more in keeping with the interest of the general situation to defer its execution for some time.

If the Government to which you are accredited shares the solicitude of the Imperial Government in above respect, it is earnestly hoped that it will see its way to give to the Chinese Government similar advice, in the interest of general peace in the Far East.

File No. 893.01/73.

The British Embassy to the Department of State.

MEMORANDUM.[20]

The Japanese Government have communicated to the British Government a draft of instructions to the Japanese representatives at Washington, Paris and Petrograd, copy of which is annexed [18] inviting the Governments of the United States, France and Russia to participate in representations to the Chinese Government in that sense.

After careful consideration of the circumstances the British Government have instructed the British representatives at Washington, Paris and Petrograd to make to the above-named Governments a communication in the same sense.

Having received from many sources information as to the rapidity with which events are proceeding in China, they have agreed with the Japanese Government that no time should be lost in tendering advice to the Chinese Government in the sense of the above-named communication. They have accordingly instructed their representative in Peking to proceed at once with the communication and to concert with his Japanese colleague as to the manner in which the advice suggested can best be tendered to the Chinese Government.

The British Government trust that the United States Government will appreciate the reason for proceeding at once with the communication without awaiting the reply of the United States and hope that the United States Government will deem it expedient to send similar instructions to the American representative at Peking, with as little delay as possible in view of the gravity of the danger which appears to threaten the internal peace of China.

BRITISH EMBASSY,
Washington, October 27, 1915.

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[18] See supra.
[20] Handed to the Secretary of State by the British Ambassador October 27, 1915.

File No. 893.01/42.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, October 29, 1915—9 p. m.

I am informed that yesterday afternoon Japanese Chargé d'Affaires, together with British and Russian Ministers, called on the Minister of Foreign Affairs and individually stated to him that by way of friendly counsel their Governments desired to suggest the advisability of stopping the movement for a change in the form of government, in order that disturbances might be avoided. * * *

The Chinese maintain that an attempt to stop the movement now, when the elections are already in progress, would be the surest way to bring about confusion and disorder; there being no opposition, they believe that they have the situation well in hand and that there is no reasonable ground for expecting internal disturbances.

Referendum is proceeding and the monarchy will in all probability be established in a few months. I still perceive no reason to apprehend serious opposition or danger to foreign interests in China, unless artifically induced by outside influences.

REINSCH.

File No. 893.01/74.

The Chinese Legation to the Department of State.

MEMORANDUM.[21]

Our country has a territory immense in extent and a population of five main groups different in customs and manners. In a republic the chief executive of the nation is frequently changed, and this cannot but cause great disturbances, not only endangering life and property in this country but also injecting an element of uncertainty into the business affairs of foreign residents. The Republic has now been established for four years, but the business of the country is at a standstill owing to a lack of permanence in the occupation of the people and the acts of officials. In this unsettled state of affairs it is difficult to secure order. Our people, therefore, have been contemplating a change in the form of government from a republic to a monarchy. This movement has long been gaining ground in secret. The Government, in its endeavor to maintain the present form of government, has made repeated attempts to discourage it. But, growing stronger with every opposition, it now numbers among its adherents a great many influential persons. If the Government tries to put it down it is greatly to be feared that the peace of the country may be affected.

The Government, therefore, hesitates to take this great responsibility. But, in accordance with the general trend of public opinion, the Government has proclaimed the adoption of the recommendation of the Legislative Body by calling a National Convention of Representatives of the People to determine the form of government. Of

[21] Read to the Secretary of State by the Chinese Minister on October 29, 1915.

late the officials of the different provinces have reported that this step has met with the approval of the people. All indications now point to a desire on the part of the people to adopt a constitutional monarchy. The Government will be powerless to oppose the will of the people inasmuch as in accordance with republican principles all political powers rest finally with the people of the country. The will of the people, thus publicly expressed, must be obeyed. Since it is the people of the whole country that desire this change and demand the Government to act in accordance with their wishes, there will certainly be no disorder. The provincial authorities, both civil and military, have given assurances that order will be maintained within their respective jurisdictions. It is the hope of the people of the whole country that they will thus secure permanent peace and prosperity.

There is no doubt that this hope is shared by the Governments of all friendly nations, and that this step will be looked upon with favor by the Governments of all friendly nations. Although this is an affair that concerns our domestic affairs, in view of the friendly relations between the two countries this is communicated confidentially to the American Government before the act is officially promulgated in order to avoid any misunderstanding.

File No. 893.01/44.

Minister Reinsch to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, November 1, 1915—9 p. m.

Upon being approached by a representative of the President with a view to ascertain more clearly the purport of the advice offered concurrently with that of the Japanese Chargé d'Affaires, British Minister stated that he had acted under instructions of his Government which had for obvious reasons fallen in with the Japanese suggestion but which should not be understood as being hostile to monarchical movement, being in fact concerned only with the question whether the Government's purpose could be carried out without endangering foreign interests.

To similar inquiries Russian Minister, who is understood to have acted on his own responsibility, gave it to be understood that he had joined with the Japanese representative in order to assure that his Government would have a voice in any demands or other developments which the Japanese Government might make consequent upon the démarche which it had initiated.

REINSCH.

File No. 893.01/58.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 811.] AMERICAN LEGATION,
Peking, November 3, 1915.

SIR: I have the honor to report that on the 20th [28] ultimo the Japanese Chargé d' Affaires, accompanied by the British and Russian

Ministers, called on the Minister for Foreign Affairs, and made a verbal communication to him in succession and in practically identic terms. The substance of the representations, I am informed from a reliable source, is correctly given in the text as published in the *Peking Post* of the 2nd instant herewith enclosed.

On November 2, the Minister for Foreign Affairs transmitted to the Japanese Chargé d'Affaires and to the British and Russian Ministers an answer, of which an English translation is herewith enclosed.

I have [etc.]

PAUL S. REINSCH.

[Inclosure 1.]

Japan and the Monarchy Question.

TEXT OF THE JAPANESE NOTE.

[From the *Peking Post*, November 2nd, 1915.]

The following details of the visit of the foreign diplomats to the Wai Chiao Pu on October 28 are obtained from a reliable source:—

At half past five in the afternoon of October 28, Mr. Obata, Japanese Chargé d' Affaires in Peking, accompanied by Sir John Jordan, British Minister, and M. Krupensky, Russian Minister, called on Mr. Lu Cheng-hsiang, Chinese Foreign Minister and Acting Secretary of State, at the Wai Chiao Pu and delivered to Mr. Lu the following advice:

In view of her special position in the Far East, Japan is very anxious about the contemplated change of the Kuoti, or form of State in China, on the ground that a hasty change is calculated to lead to internal risings in the country to the detriment of the peace and order of the Far East. The recent bomb outrages at Shanghai are evidence of anti-monarchical signs. Japan wishes to know whether the Chinese Goverment is confident of maintaining perfect peace and tranquillity within her territory. In case of disturbances, whether they directly or indirectly touch upon the interest and privileges of Japan, she will be compelled, though very reluctantly, to take adequate measures for their protection. The Japanese Government draws the attention of the Chinese Government to the signs of unrest in the Yangtze and other Southern Provinces on account of the people's opposition to the contemplated change and, in view of the seriousness of the European War, China, as a nation in the Orient, should adopt very careful measures to preserve the *status quo*, which is the most important thing at the present critical moment. Although the contemplated change is the true wish of the Chinese people, nevertheless, in case the monarchical restoration gives rise to sudden uprisings of the opposition parties, not only will the Chinese people who suffered misery and distress during the recent revolutions go through a fresh period of suffering, but also those foreign Powers who have close relations with China will share the consequences.

The Japanese advice paid a handsome tribute to the ability of H. E. Yuan in suppressing the late rebellion and maintaining peace throughout China after his inauguration as President of the Chinese Republic, which has contributed not a little to the preservation of peace in the Far East, for which the Japanese Government and people admire and respect him. Hence for the sake of the perpetual peace of the Orient, the Japanese Government sincerely hopes that H. E. Yuan will temporarily delay the contemplated change for the present until long administration and permanent peace have been established in China. In conclusion, the advice added that Japan has not the slightest intention of interfering in the internal affairs of this country; her counsel and advice are given in a perfectly friendly manner in the interests of the Orient, inasmuch as tranquillity or unrest in China concerns also Japan's future welfare.

[Inclosure 2.]

A translation of the answer of the Chinese Government to the Chargé d' Affaires of Japan and the Minister of Great Britain and Russia.

November 2, 1915.

On the 28th of October, you, Monsieur le Chargé d' Affaires, verbally communicated an advice of the Japanese Government. I have duly taken note of it. The matter is one which is entirely China's internal affair, but as the Japanese Government has been good enough to offer advice, I now reply fully and in detail as follows:

With regard to the question of the monarchy, there has been for some time a body of opinion in favor of it. The Government, intent on maintaining the present form of government, has always opposed it. Of late, however, the number of people in favor of it has daily increased numbering among them men of power and influence in the country; the undercurrent has become stronger and stronger, and the combinations have become more and more numerous. If the Government were to use solely methods of forcible suppression, not only would the will of the people be set at naught, but there would have been considerable danger to peace and good order for which the Government would have been reluctant to undertake the heavy responsibility. The only course for the Government, consequently, has been to respect the wishes of the people and promulgate the bill passed by the acting Li Fa Yuan to organize the Assembly of Citizens' Representatives to consider and determine this fundamental question. When the people of the provinces petitioned to the Li Fa Yuan for the change of the form of government, the President, on September 9, expressed to the Li Fa Yuan the opinion that the change was unsuitable to the circumstances. On October 10, a Presidential mandate, quoting the petition of various Mongolian and Mohammedan Princes and nobles to change the form of government, again stated that any hasty and rash change was undesirable and admonished all the superintendents of elections carefully to obey the provisions of the law in the discharge of their duties. On October 12, a further telegram was dispatched to the superintendents of elections to observe the election laws scrupulously and not to be hasty or careless. It is evident therefore that the Government did not originally approve of the step and *a fortiori*, has not had any intention of bringing about a hasty change. But as according to the Constitutional Compact of this country the sovereignty is vested in the whole body of the people there has been no other course but to await the decision of the people. Placed in this difficult position, the Government has exhausted every means of compromise, actuated with the desire on the one hand to respect the laws and on the other to obey the wishes of the people so as to preserve the general peace.

At the time when the discussion in regard to the form of government was at its height, the Government, apprehensive that it might lead to the occurrence of untoward events, more than once telegraphed to the civil and military officials of the provinces to ask whether they could absolutely maintain public peace and good order. The reply each time and in every case from the respective officials was that if the will of the people was obeyed in the solution of the question of the form of government, the provinces would hold themselves responsible for the public order so that when the change should be carried out no untoward event would occur. The sources of information at the disposal of foreigners cannot naturally be as full and as accurate as those of the Chinese; inasmuch as the provincial officials have uniformly reported that they would be responsible for peace and good order, and have not reported of any strong undercurrent of opposition, nor of any ground for anxiety in regard to Shanghai, the Yangtze region, and South China, the Government can only place full credence and reliance on these reports.

As for the reasons why our people desire the monarchy, they are these. With China's immense area, the differences in the five races, the changeableness of popular feeling, and the comparatively low standard of education of the masses, the frequent change of the head of the State under a republic will be a source of great danger and disturbance, as witness recent events in other countries. Not only will life and property of Chinese be in jeopardy, but the business and interests of subjects and citizens of friendly Powers in China will likewise be insecure. The Republic has now been established four years in China, during this time, men of wealth and capital have been unwilling

to invest their money, the business and trade of the people as well as the administration of officials have lacked permanent policies and plans, a feeling of instability has prevailed, and government has been difficult. It is for these reasons that the people desire a change in the form of government. Since the large majority of the people of this country has considered that the republican form of government is unsuitable to China, and since the question has been referred to the Assembly of Citizens' Representatives for decision the constitutional foundation of the State is already shaken and in the minds of men there are expectancy and hesitation. The political conditions have been affected and trade and commerce are showing signs of stagnation. If evil persons should seize the opportunity to disseminate false rumors, the people would be even more disturbed. In case troubles should arise on account of this constitutional question remaining protracted without a decision, not only would our own people suffer loss and injury, but the subjects and citizens of friendly Powers in China would also be subject to apprehension and alarm. So long as the form of government which has been referred for decision remains undetermined, so long will there be unrest in men's minds and so long will there exist an element of danger. This is the more so since at the time of the communication of the Japanese Government's advice, five provinces have already declared for constitutional monarchy. In sum, on the part of the people of the country, the hope and expectation are for the benefits of permanent peace and tranquility; on the part of the Government there is the further hope and expectation that the subjects and citizens of friendly Powers resident in China will be secure in the pursuit of their business and that the peace of the Orient will be maintained, in which hope and expectation the Chinese Government is in complete accord with the Governments of the friendly Powers.

There is a small number of turbulent rebels who are seeking refuge in foreign countries and in other localities beyond the jurisdiction of the Chinese Government. Whether a republic or a monarchy, as in the past so in the future, their character will always be that of destruction and violence, and their plans those of trouble and turmoil. The utmost they can do is the spreading of rumors to incite sedition and rebellion, but they are devoid of all power and influence. In the last few years they have created occasional disturbances, but they have immediately been suppressed so that the general situation has never been affected. The provinces are now taking added precautions against them; it is hoped that the Governments of the friendly Powers in all localities beyond the jurisdiction of the Chinese Government, will cooperate in future, as heretofore, in keeping them under restraint and control. They will thus certainly have no opportunity of creating trouble.

The Chinese Government appreciates the good intentions of the Japanese Government which has tendered advice in a friendly manner and has declared that it has no intention whatever to interfere in the internal affairs of China. Inasmuch as the Japanese Government is animated purely and solely by the desire to maintain the peace of the Orient, this desire coincided entirely with that of the Chinese Government. The Japanese Government may rest assured that the Chinese Government will spare no means to attain this object and aim.

I request you, Monsieur le Chargé d'Affaires, to convey the above to the Japanese Government.

[Inclosure 3.]

Form to the British Minister.

On October 28, your excellency, together with the Japanese Chargé d'Affaires and the Russian Minister, called at the Wai Chiao Pu and the Japanese Chargé d'Affaires verbally communicated the advice of the Japanese Government. Your excellency, acting upon the instructions of the British Government, associated yourself with it and also asked whether the Chinese Government was confident that the change in the form of Government could be carried out without untoward events. I have duly taken note of this. I reply to your excellency in the same sense in which I have replied to the Japanese Chargé d'Affaires. The reply is as follows: (Here follows the reply to the Japanese Chargé d'Affaires).

Respecting the question addressed by your excellency, the Chinese Government is at all times, in accordance with international law and customs, respon-

sible for the maintenance of public order, in the carrying out of the change in the form of government, the Government is confident that there will be no untoward events.

I request your excellency to convey the above to the British Government.

[Inclosure 4.]

Form to the Russian Government.

On October 28, your excellency, together with the Japanese Chargé d'Affaires and the British Minister, called at the Wai Chiao Pu and the Japanese Chargé d'Affaires and the British Minister, one after the other, verbally communicated the advice of their respective Governments. Your excellency, acting upon the instructions of the Russian Government, associated yourself with it. I have duly taken note of this. I reply to your excellency in the same sense in which I have replied to the Japanese Chargé d'Affaires and the British Minister. The replies are as follows: (Here follow the replies to the Japanese Chargé d'Affaires and the British Minister.)

I request your excellency to convey the above to the Russian Government.

File No. 893.01/72.

The Department of State to the Japanese Embassy.

MEMORANDUM.

The American Government appreciates the invitation extended to it by the Imperial Japanese Government to join in the tender of informal and friendly advice to the Republic of China to defer for a time in the interest of general peace in the Far East the change in its form of government which is reported to be under consideration.

The American Government is naturally in sympathy with republican institutions, but is of opinion that any change by the Chinese in the form of their government, however radical, is wholly a domestic question and that any sort of interference by the Government of the United States would be, therefore, an invasion of China's sovereignty and would be without justification unless convincing evidence, which is not now in the possession of the United States Government, should show that any foreign interests which it is the privilege of the United States to safeguard would be imperilled.

DEPARTMENT OF STATE,
Washington, November 4, 1915.

File No. 893.01/73.

The Department of State to the British Embassy.

MEMORANDUM.

The American Government has carefully considered the memorandum which was handed to the Secretary of State by his excellency the British Ambassador on October 27, 1915, concerning the invitation of the Japanese Government to the United States, Great Britain, Russia and France to join Japan in tendering to China informal and

friendly advice in the interest of general peace in the Far East to defer for a time the change in the form of its government which is reported to be in contemplation.

The American Government appreciates the courtesy of His Britannic Majesty's Government in communicating the information that the British Minister at Peking had been instructed to concert with his Japanese colleague and tender the advice suggested.

The American Government is naturally in sympathy with republican institutions, but is of opinion that any change by the Chinese in the form of their government, however radical, is wholly a domestic question and that any sort of interference by the Government of the United States would be, therefore, an invasion of China's sovereignty and would be without justification unless convincing evidence, which is not now in the possession of the United States Government, should show that any foreign interests which it is the privilege of the United States to safeguard would be imperilled.

DEPARTMENT OF STATE,
Washington, November 4, 1915.

File No. 893.01/59.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 820.] AMERICAN LEGATION,
Peking, November 12, 1915.

SIR: In continuation of the Legation's despatch No. 782 of October 11, concerning the monarchical movement, I have the honor to enclose, for reference, the following despatches[17] from various consular offices in China; Swatow, Foochow, Shanghai, Mukden, Nanking, Changsha, Canton and Hankow.

At the present writing, reports on the elections have been received from practically all the provinces, which are to the effect that the change of the form of State to a monarchy has been accepted unanimously by the designated electors.

The question as to how far this vote is to be taken as a free expression of public opinion, or of the "will of the people," is one open to discussion and doubt. In all cases, the electorate was not a large one, but was limited through high property and educational qualifications. The vote cast in the primary elections was in most cases small, and indications are not wanting that in several of the provinces the officials exerted their influence to the end of constituting the electoral body in a sense favorable to monarchy. On the other hand, instances of direct intimidation or bribery have not been reliably reported. The unanimity of the electors is generally accounted for by referring to the timidity of the Chinese: the votes were given in writing, signed with the name of the elector, and it is likely that, as everybody recognized, the tendency has strongly set in the direction of a monarchy, none of the electors was willing to espouse a losing cause, notwithstanding what their personal preferences might originally have been.

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[17] Not printed.

No organized opposition to the movement has appeared anywhere, but it is apprehended that revolutionaries, who are strongly dissatisfied with the monarchical movement, will have recourse to acts of individual violence, such as that to which Admiral Tseng Jucheng, the military governor of Shanghai, on the 10th instant, fell a victim.

I have [etc.],

PAUL S. REINSCH.

File No. 893.01/62.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 827.] AMERICAN LEGATION,
Peking, November 19, 1915.

SIR: * * * The decision of the American Government to regard the monarchical question as a domestic matter, the settlement of which is to be left in the hands of the Chinese, has impressed Chinese people of all classes as entirely in consonance with the just policy hitherto followed by the United States in Chinese affairs. The attitude of our Government is highly appreciated, and it is currently stated in the public press that at no time has America enjoyed greater popularity among the Chinese than at present.

I have the honor to enclose a number of extracts from local journals on this matter.[17]

I have [etc.]

PAUL S. REINSCH.

File No. 893.01/56.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, December 11, 1915—6 p. m.

Shanghai disturbances have thus far remained without consequences although repetition of similar local attempts is expected. Government continues preparations for monarchy. Yesterday afternoon Prince Pulun in an electoral meeting nominated Yuan as Emperor which indicates that Manchus are resigned.

Council of State today passed vote calling for Yuan to accept the crown as popular unanimous vote demanded. Yuan refused to receive the memorial. Another meeting this afternoon returned memorial together with all provincial memorials. It is contended that Yuan will yield and edict will be issued without delay preparing for empire.

REINSCH.

File No. 893.01/60.

AMERICAN LEGATION,
Peking, December 18, 1915.

It is probable that formal promulgation of the Empire will be made immediately after January first. Therefore I have the honor

[17] Not printed.

to ask instructions with respect to recognition and venture to suggest that, in view of the fact that the change in favor [sic] of Government was accomplished without a *coup d'état* in an orderly manner without any factional struggle or organized opposition and that it involves no changes in the personnel of the Government with the exception of the head of the State and is accompanied by preparations for early convocation of the National Assembly, recognition could reasonably be granted as a matter of course and in accordance with American policy as defined by Secretary of State Webster in instructions to Rives, January 12, 1852. All Ministers here with whom I have spoken are favorable to recognition and so advise their Governments.

REINSCH.

File No. 893.01/60.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 21, 1915.

Your telegram of December 18. When Empire is proclaimed, if no serious organized opposition exists and you see no other reason to doubt permanence of new order, you are instructed to recognize new Government of China and say that, while the Government of the United States may feel a natural sympathy for republican forms of government which fulfill the hopes of the people of other countries, we recognize right of every nation to determine form of its government and that the people of China have our good wishes for undisturbed peace and prosperity.

LANSING.

RELATIONS BETWEEN CHINA AND JAPAN. "TWENTY-ONE DEMANDS" ON CHINA MADE BY JAPAN. ATTITUDE OF THE UNITED STATES.

File No. 793.94/209.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, January 23, 1915—7 p. m.

Serious tension again exists between the Chinese and Japanese Governments. The Japanese Minister has submitted a long list of demands at the same time pledging the President and Ministers of State not to divulge the character of the demands to other Powers on pain of serious consequences to China. The demands are stated to be such as could not be granted without abandoning entirely the open-door policy as well as independence in political and industrial matters. It is feared that refusal to comply will be met by causing trouble to China through instigation of revolutionary movements which would offer pretext for military occupation.

REINSCH.

File No. 793.94/210.

AMERICAN LEGATION,
Peking, January 24, 1915—2 a. m.

It is recognized here that the demands of Japan constitute the greatest crisis yet experienced in China. The independence of China and equal opportunity of western nations are at stake. Details of twenty-one demands gradually becoming known; include, aside from Shantung, exclusive mining rights in two provinces and three railways.

REINSCH.

File No. 793.94/211.

AMERICAN LEGATION,
Peking, January 26, 1915—8 p. m.

The Legation is informed that the Japanese demands include not only predominant special interests in impairment of China's sovereignty and of open door in Shantung, Kiangsu, Chekiang, Anhui and Kiangsi in addition to Manchuria, but also such further reservations in behalf of Japanese interests as would in effect make subject to their veto all future concessions to other nationalities throughout China. * * * This would effectively work the exclusion of American participation in economic and industrial development of China.

In insisting upon these demands the Japanese Minister stated to the Minister for Foreign Affairs that a considerable body of the Japanese public regards with disfavor the present administration of China but might be conciliated by compliance with their wishes and he added that in that case the Japanese Government could give President Yuan assurances of immunity from the activities of the Chinese rebels residing in Japan.

The reports that Japan's action is impelled [by ?] China's seeking an alliance with Germany are, in my opinion, utterly unfounded and fantastic.

REINSCH.

File No. 793.94/214.

AMERICAN LEGATION,
Peking, January 27, 1915—8 p. m.

Further Japanese demands reported today include administrative powers in South Manchuria and special rights respecting the nationalized iron deposits throughout China.

REINSCH.

File No. 793.94/214.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1915—4 p. m.

Your telegrams of January 23, 7 p. m., January 24, 2 a. m., January 26, 8 p. m. The matter is having careful and prompt attention. Keep the Department fully informed.

BRYAN.

File No. 793.94/215.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, January 29, 1915—1 a. m.

My telegram of January 27, 8 p. m. Further demands now reported include participation in internal administration of China and the recognition of Fukien as an exclusive Japanese sphere of influence.

Detailed negotiations will begin January 30 and an urgent demand for prompt submission is expected. An early decision as to American policy is therefore indispensable.

It is understood here that the demands were communicated to the British Foreign Office on the 16th instant but its action thereupon is not known.

REINSCH.

File No. 793.94/219.

AMERICAN LEGATION,
Peking, February 1, 1915—8 p. m.

More precise information now obtained in reference to the Japanese demands indicates that the fragmentary advices contained in my telegrams January 23–29, though subject to correction in detail were nevertheless substantially accurate. The following are now known to be among the most significant of the specific demands:

First. That the Chinese must undertake "to permit the joint organization of Chinese police force in important places or to engage a large number of Japanese to assist in police matters."

Second. That half of the arms required by China must be purchased in Japan or in the alternative that joint Sino-Japanese arsenals must be established for the manufacture of arms.

Third. That "educational, political, financial and military advisers" must be engaged from among Japanese subjects.

Fourth. That all mining rights in Manchuria and Inner Mongolia are to be given to Japan.

Fifth. That Han-yeh-ping Iron and Coal Company is to be organized as a joint Chinese and Japanese company, and that the Chinese Government must "engage not to permit foreigners to operate mines in the neighborhood of the company's mines nor to allow any enterprise which might affect the company's interests directly or indirectly without the consent of Tokyo."

It is announced here that comment in the Japanese press has been prohibited. Reuter despatches from Tokyo, quoting the highest authority, describe the demands as overtures which violate no treaty and contemplate no infringement upon China's territory; but they evade the question of administrative integrity. The local Reuter correspondent has refused to transmit to England a dementi which the Japanese Minister asked him to telegraph as based upon the highest authority but for which he declined to permit the Japanese Legation to be quoted. Japanese Minister has also protested against inaccuracies in the report telegraphed by the acting correspondent

of the Associated Press but has refused to specify any of the inaccuracies complained of and it is believed that a similar protest has been lodged with the management of the Associated Press.

REINSCH.

File No. 793.94/218.

Ambassador Guthrie to the Secretary of State.

[Telegram—Extract.]

AMERICAN EMBASSY,
Tokyo, February 1, 1915—11 a. m.

Our telegram of January 31, 11 a. m.[17] Can not obtain further details concerning Japan's demands on China but have statement from authority which can be relied on that they do not affect Yangtze valley. Allegations of Chino-German alliance are believed to have emanated from German sources in Peking.

GUTHRIE.

File No. 793.94/220a.

The Secretary of State to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 2, 1915—5 p. m.

1060. You have doubtless seen newspaper reference to Japan's demand on China. The reports are probably exaggerated but we are interested to know whether the British Government has been informed as to the nature and extent of these demands. By an exchange of notes November 30, 1908,[22] it was agreed that the two Governments [United States and Japan] should communicate with each other in case any event threatened the status quo or the principle of equal opportunity in order to arrive at an understanding as to what measures they may consider it needful to take. If the demands now made by Japan are accurately described in the press despatches, it would seem that both the integrity of China and the principle of equal opportunity are threatened. Let us know what you are able to learn from the Foreign Office.

BRYAN.

File No. 793.94/220.

Ambassador Guthrie to the Secretary of State.

[Telegrams.]

AMERICAN EMBASSY,
Tokyo, February 3, 1915—2 p. m.

Censorship here has forbidden reproduction of reports published in China of Japan's alleged demands. Yesterday Foreign Office authorized statement by newspapers that these demands involve no infringement of China's territorial integrity and no impairment of foreign rights in that country.

GUTHRIE.

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[17] Not printed.
[22] See For. Rel. 1908, pp. 510–512.

File No. 793.94/228.

AMERICAN EMBASSY,
Tokyo, February 6, 1915—5 p. m.

Today at luncheon at his house Count Okuma stated to me that Japan's interest in China was to preserve peace and China's territorial integrity and that it was Japan's intention to adhere to the policy of the open door and equal opportunity.

GUTHRIE.

File No. 793.94/223.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, February 8, 1915—9 p. m.

I am informed that at the conference last Friday [February 5] Japanese Minister, after a demand to accept the twenty-one proposals in principle had been declined, insisted that the Minister for Foreign Affairs should express a general opinion on each demand, which was done, the Minister for Foreign Affairs pointing out that certain of the demands were incompatible with treaty rights or with sovereign power of China and therefore unacceptable.

REINSCH.

File No. 793.94/549.

The Japanese Embassy to the Department of State.[23]

REGARDING THE PROVINCE OF SHANTUNG.

1. Engagement by China to accept the arrangement Japan may make with Germany regarding the disposition such as transfer of all the rights and interests which Germany possesses in relation to the Province of Shantung, by virtue of treaties or otherwise.
2. Engagement on the part of the Chinese Government not to alienate or lease, upon any pretext, the Province of Shantung or any portion thereof or any of the islands along its coast.
3. Permission for construction by Japan of railway connecting Chefoo or Lungkou with the Tsingtao-Tsinan Railway.
4. Establishment of more open marts in the Province of Shantung.

REGARDING SOUTH MANCHURIA AND EASTERN MONGOLIA.

1. Extension of the term of the lease of Kwantung territory and of the South Manchurian Railway and the Antung-Mukden Railway concessions.
2. To accord to Japan the rights of residence and land ownership, and the mining concessions to be specifically named in South Manchuria and Eastern Mongolia.
3. Consent of Japan to be first obtained in cases where, in connection with the above regions, railway concession is to be granted to, or funds for railway construction are to be sought of, the people

[23] An undated memorandum handed to the Secretary of State by the Japanese Ambassador, February 8, 1915.

of any other nationality, or where loan is to be raised in or from any other country with the taxes or duties in the above regions as security.

4. Japan to be first consulted regarding the employment of advisors or instructors in connection with the political, financial or military affairs in the above regions.

5. To entrust Japan with the control and operation of the Kirin-Changchun Railway.

RESPECTING THE TERRITORIAL INTEGRITY OF CHINA.

Engagement on the part of the Chinese Government not to alienate or lease any port, bay or island along the coast of China.

REGARDING THE HAN-YEH-P'ING IRON AND COAL COMPANY.

Agreement in principle to having the Han-yeh-p'ing Iron and Coal Company made a joint Chino-Japanese undertaking at an appropriate time in the future.

File No. 793.94/224.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, February 9, 1915—7 p. m.

My telegram of February 8, 9 p. m. Japanese Minister yesterday informed the Foreign Office that the expression of the Minister for Foreign Affairs on the demands is considered unsatisfactory by the Japanese Government and that it must be modified as otherwise negotiations cannot be continued. The Chinese Government is today to make counter-proposals on the demands relating to Manchuria, Mongolia and Shantung. The attempt will be made by the Chinese to give to the concessions exacted a form that will preserve the principle of equal opportunity.

REINSCH.

File No. 793.94/225.

Ambassador Guthrie to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokyo, February 9, 1915—midnight.

Today Baron Kato gave me a written memorandum which he told me had been given in the same manner to the Ambassadors of England, France and Russia and to no one else. He said that for many reasons both China and Japan were anxious that none of the terms of the proposition under discussion be disclosed as this would be embarrassing to both parties in the negotiations but that he desired you to know the true nature of the proposition and that

they are not contrary to China's integrity or to the rights and interests of other nations. In our personal conversation he stated that Japan had no desire for any naval station on the coast of China, either at Tsingtau or south of that point for the reason that it would be valueless to her, but that she would object to any other nation's having one. The memorandum reads as follows:

First, in relation to the Province of Shantung:

1. Engagement on the part of China to consent to all matters that may be agreed upon between Japan and Germany with regard to the disposition of all rights, interests and concessions which, in virtue of treaties or otherwise, Germany possesses in relation to the Province of Shantung.

2. Engagement not to alienate or lease upon any pretext the Province of Shantung or any portion thereof, and any island lying near the coast of the said province.

3. Grant to Japan of the right of construction of a railway connecting Chefoo or Lungkou and the Tsi-nan-Kiao-chou Railway.

4. Addition of open marts in the Province of Shantung.

Second, in relation to South Manchuria and Eastern Inner Mongolia:

1. Extension of the terms of lease of Kwan-tung, the South Manchuria Railway and the Antung-Mukden Railway.

2. (a) Acquisition by the Japanese of the right of residence and the ownership of land.

(b) Grant to Japan of the mining rights of the mines specified by Japan.

3. Obligation on the part of China to obtain in advance the consent of Japan before she grants railway concessions to any third power, procures the supply of capital from any third power for the construction of a railway, or raises from any third power a loan on security of any duties or taxes.

4. Obligation on the part of China to consult Japan before employing advisers or tutors regarding political, financial or military matters.

5. Transfer of management and control of the Kirin-Chang-chun Railway to Japan.

Third:

Agreement in principle that at an opportune moment in future Han-yeh-ping Company should be placed under the Japanese and Chinese cooperation.

Fourth:

Engagement, in accordance with the principle of maintenance of the territorial integrity of China, not to alienate or lease any ports or bays on, any island near the coast of China.

GUTHRIE.

File No. 793.94/257.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 538.] AMERICAN LEGATION,
Peking, February 10, 1915.

SIR: Referring to my telegrams of January 23, 7 p. m., 24, 2 a. m., 26, 8 p. m., 27, 8 p. m., and 29, 1 a. m., and February 1, 8 p. m., 8, 9 p. m., and 9, 7 p. m., I have the honor to report on the progress of the negotiations between the Japanese Minister and the Chinese Government in so far as they are known to me.

From January 25 on, the demands began to be discussed by the public press, and confidentially among members of the Diplomatic Corps; and high Chinese officials frequently consulted with me concerning the demands, informing me of the difficulties of the Chinese Government and of the alternatives between which a choice would have to be made.

All these officials expressed the feeling that China was confronted with the greatest crisis in her history; the granting of the demands

would be the end of the independent sovereignty of China. The plan of Japan was not to make any annexations of territory, but, with the maintenance of the formal sovereignty of China, to place the Chinese State in a position of vassalage through exercising a control over important parts of its administration and over its industrial and natural resources, actual and prospective.

The outline of the plan is to seek control from three centers: Manchuria, Shantung, and Fukien. Manchuria is to be made more entirely a reserved sphere for Japanese capital and colonization with a certain measure of administrative control. In Shantung the interest formerly belonging to Germany is to be taken over and expanded, which will give a free hand for the complete control of this Province. In Fukien the priority of rights of development is asked which would exclude other nations and would lead to the Manchurianization of this Province by well-known methods.

In the northern sphere Inner Mongolia is to be included. From the central sphere influences will radiate to the interior by means of railway extension grants to Honan and Shansi. From the Fukien sphere influence would extend to the interior through Kiangsi to Hupei and Chekiang, as well as through to Kwangtung. The mortgage on the Hanyehping iron and coal mines is to be consolidated into a controlling interest with the very significant proviso attached that foreigners are to be prohibited from operating mines in the neighborhood of the company's mines and from engaging in any enterprise which may, either directly or indirectly, affect the company's interest without the consent of the company. This arrangement would make the Japanese interest the arbiter of industrial enterprise in the middle Yangtze valley.

To these proposals, through which a footing would be obtained on the coast and in the interior of China, there were added the other demands which, while maintaining the form of sovereignty in the Central Government, would deprive it of the substance of control over its own affairs. Such are the employment of "effective" Japanese advisers in political, financial, and military affairs; the joint organization of the police forces in important places; and the control over the armament of China implied in the provision that China must purchase one-half of the arms required from Japan or establish Sino-Japanese arsenals controlled by Japanese engineers and using Japanese materials.

Other demands carry out in detail these outlines of policy.

The Chinese Government does not seem to be disinclined to grant to the Japanese certain definite railway and mining concessions, provided they do not follow the precedent of Manchuria but the ordinary conditions under which such concessions are granted to other nations in China; thus, for instance, that the railways are to belong to and be operated by the Chinese Government, and that the concessionaire will advance the capital with the privilege of certain rights of engineering and furnishing materials.

The demands in their present form include a number which are incompatible with the treaty rights of other nations. It is believed by the Chinese that they may be modified in such a way as formally to avoid such conflict; but even if this should be done and if the demands directly affecting the sovereignty of China should be eliminated, enough would still remain to give Japan a de facto position

which, unless China were able rapidly to strengthen her national organization, would inevitably lead to Japanese control. The hope that the most excessive of the Japanese demands may be withdrawn, and the desire to make such withdrawal easier to the Japanese, had made the Chinese Government inclined to observe the Japanese injunction of secrecy. Thus, while in the course of the conversations I have been able to gain a complete knowledge as to what demands of Japan are, I have always most carefully avoided making any suggestion that the demands should be formally communicated.

Should the attempt of Japan to secure control of the administration and resources of this rich country be successful, it will operate primarily to the prejudice of Great Britain whose existing important interests in China would be most adversely affected; but it would probably eventually be an equally great disadvantage to the United States. The good will and sincere friendship which the Chinese people have for Americans would no longer be free to manifest itself; Americans could engage in important enterprises in China only at the sufferance of another government and the friction inevitably resulting would tend to feelings of hostility between Americans and Japan.

I have [etc.] PAUL S. REINSCH.

File No. 793.94/226.

Ambassador Guthrie to the Secretary of State.

[Telegram—Extract.]

AMERICAN EMBASSY,
Tokyo, February 11, 1915—4 p. m.

My telegram of February 1, 11 a. m. The authority mentioned therein has just informed me that he has authority for the conviction that the statement given me by the Foreign Minister and cabled under date of February 9, midnight, does not contain all of Japan's demands but that there are others whose exact nature he cannot state. Baron Kato has instructed the Japanese Minister at Peking to communicate the statement given me to Reinsch.

GUTHRIE.

File No. 793.94/227.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, February 12, 1915—9 p. m.

Referring to my cable of February 1, 8 p. m. Moore, correspondent of the Associated Press, says that his telegram of yesterday [24] was not published by Associated Press because "categorically denied."

Moore yesterday showed me his telegram and I may say for your information that, with reservations noted below, it contains substantially accurate account of the demands as here understood from various reliable sources:

[24] See, post, inclosure to despatch No. 540, of February 15, from Minister Reinsch.

Demands regarding police, arsenals and advisers are more accurately stated in my telegram of February 1, 8 p. m.; statement [that] "China may call upon Japan alone for preservation her integrity" would appear to be an inference rather than a specific item of demands.

REINSCH.

File No. 793.94/229.

AMERICAN LEGATION,
Peking, February 12, 1915—11 p. m.

Referring to my cable of February 9, 7 p. m. The conference scheduled for today has been postponed, as I am credibly informed, for the reason that while the Chinese Government is willing to discuss ten of the demands the Japanese Government is insisting that the entire list shall be accepted in principle and negotiated on. The Chinese Government appears to be contemplating the adoption of a well defined policy regarding concessions; namely, that they shall cover only specific enterprises or activities over expressly delimited areas commensurate with the scope of the respective undertaking, to the exclusion of all arrangements for a general preference or options carrying contingent implications. In this way it is hoped that the principle of equal opportunity may be maintained. The Government is reported ready to make liberal grants of concessions to the Japanese on this basis.

REINSCH.

793.94/230.

Ambassador Page to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
London, February 13, 1915—1 p. m.

1638. I received following answer yesterday, in a conversation with Sir Edward Grey, to your 1060 about China.

"The British Government has made inquiries of Japan but so far has made no comment."

Grey showed me telegram from Spring Rice saying that you had informed him of satisfactory interview with Japanese Ambassador in Washington.

AMERICAN AMBASSADOR.

File No. 793.94/231.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, February 15, 1915—10 p. m.

Apparently in pursuance of an arrangement made by Embassy Tokyo in response to my request to it for information, Japanese Minister yesterday handed me a confidential memorandum professing to embody the demands which his Government is urging upon China. He stated that the same memorandum had been communicated to you. This memorandum sets forth only certain demands of far more

restricted scope than those which are actually being urged upon the Chinese Government. Not only does it refer to specified mining rights in Manchuria and Mongolia, whereas actual demand is for all such rights there, and omits all reference to dangerous exclusive clause attached to the demand concerning Han-yeh-ping Company, but it omits the further demands as follows: compulsory engagement of Japanese advisers; Japanese participation in police administration and the supply of arms by Japan. Further demands are those of missionary land-holding rights for Japanese in the interior; extensive mining rights on the Yangtze; concessions for railways from Wuchang to Nanchang thence to Hangchow and to Foochow, Amoy and Chaochowfu, and an undertaking that Japan must first be applied to when foreign capital is required for the development of railways, mines and ports in Fukien.

A similar incomplete summary of demands appears to have been communicated to the British authorities.

REINSCH.

File No. 793.94/259.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 540.] AMERICAN LEGATION,
Peking, February 15, 1915.

SIR: Supplementing my despatch No. 538 of the 10th instant, I have the honor to report on the continuance of the negotiations between the Japanese and Chinese Governments with respect to concessions.

As reported in my telegram of February 12, 11 p. m., the diplomatic conference which had been scheduled for that day was postponed. I am now informed that the Chinese Government had declared its willingness to negotiate with Japan on twelve of the proposals of the latter, and had notified the Japanese Government of that fact. Negotiations were adjourned in order to give time for the consideration of this proposal by the Japanese Government. On February 13, however, the Chinese Government was informed that the Japanese Government adhered to its desire to have the entire list made the basis of negotiations; to this the Chinese are not ready to accede, as they believe that they have gone as far as the preservation of their sovereign rights and the treaty obligations to other nations will permit.

The twelve demands which the Chinese are ready to consider cover the demands regarding Manchuria, Inner Mongolia, and Shantung, together with a general non-alienation manifesto affecting the entire coast line of China.

Two demands with respect to Manchuria have been accepted: the control of the Kirin-Changchun Railway and the obligation not to pledge local revenues of Southern Manchuria and Inner Mongolia as security for any public loans without the consent of Japan.

The fact that the Chinese Government notified the Government of Japan that the permission to use a large part of the Province of Shantung for military operations would now be withdrawn, since the occasion for such use had disappeared, has been represented by

the Japanese as being a calculated and malignant insult to Japan. As the permission to use the eastern part of Shantung for military purposes was given in connection with the attack upon Tsingtau, which has now been completely conquered, the withdrawal of such permission would appear a very natural thing.

Aside from this pretended discourtesy, no reason has been assigned why these unprecedented demands should be made upon China, nor has any quid pro quo been mentioned.

As it was reported here that a memorandum concerning the demands had been handed by the Japanese Foreign Office to the Embassies in Tokyo, I requested the American Ambassador there, under date of the 9th instant, to inform this Legation, as the knowledge might be of great value in understanding the situation here. On February 11 Mr. Guthrie replied that I was to be given a copy of the memorandum by the Japanese Minister at Peking. It appeared to me that in the absence of any intimations of a contrary intention on the part of the Department, it would be highly inadvisable for this Legation to assume vis-à-vis the Japanese Legation any cognizance of the demands which the latter is known to be urging upon the Chinese Government; and I so informed the American Embassy at Tokyo on the 12th instant, at the same time requesting a copy of the memorandum by telegraph. Late in the afternoon of February 13 the Japanese Minister called at my residence during my absence. I returned the call during the forenoon of yesterday (14th), when Mr. Hioki handed to me the memorandum, of which a copy is enclosed.[25] On the same day I received from the Tokyo Embassy by telegraph the text of the same memorandum. The Japanese Minister stated that the memorandum had been given to the Department; I received it from him without comment either on his part or on my own.

It now appears that the demands which have thus been notified to the United States, and presumably to other Powers, are those from among the demands submitted to the Chinese Government which are in themselves less objectionable than the others and which, as reported above, the Chinese Government, after a careful analysis of the demands, had decided to negotiate upon with the exceptions already stated. From outward indications and from all the implications of the matter, it would now appear that the Japanese Government probably considers these demands as the maximum which it is ready to avow to the other Powers at present and as a minimum which it desires to enforce upon the Chinese Government. The additional demands which the Chinese Government has been asked to consider include the following:

That the Chinese Government will engage itself not to permit foreigners to operate mines in the neighborhood of the Hanyehping Company's mines, nor to permit any enterprise which may affect the company's interests directly or indirectly, without the consent of the company;

That the Chinese Government *must* engage *effective* political, financial and military advisers from among the Japanese;

[25] Not printed here, but see Ambassador Guthrie's telegram of February 9, midnight.

That the Japanese are to be permitted to carry on missionary work and that their hospitals, temples and schools are to have the right to own land in the interior;

That there is to be a joint organization by Chinese and Japanese of the police forces in important places;

That at least one-half of the required amount of arms must be purchased from Japan, or that Chinese arsenals must be put under Japanese engineers;

That railway concessions between Foochow and Wuchang, with various branch lines, are to be granted to Japan;

That Japan must be first applied to when foreign capital is needed for the construction of railways and ports and for the development of mines in Fukien.

The above is a statement of the substantial contents of the remaining demands, as ascertained from the most reliable sources and as generally accepted to be true in Peking.

The Chinese have made a classification of the demands, separating those which might be conceded from those that would infringe treaties and those that would abridge the rights of sovereignty. While they acknowledge no obligation whatever to make any grants to Japan at the present time, they are willing, nevertheless, in order to assure peace and friendly cooperation, to make the most far-reaching concessions consistent with national independence and treaty rights. In the future the Chinese Government will endeavor to adhere to the policy *that concessions shall cover only specific enterprises or expressly delimited areas, which shall be commensurate with the scope of the respective undertaking, and that they will avoid all arrangements for a general preference or for options carrying contingent implications.* Exceptional arrangements may have to be made in the regions of Manchuria and Shantung where unfavorable precedents exist; but it is hoped that by adhering to the policy above outlined, the principle of equal opportunity may be maintained even there in legal form, and in other provinces in substance.

Referring to my telegram of February 12, 9 p. m., I beg to enclose a copy of the telegram which was sent to the Associated Press on the 11th instant by its correspondent here (Mr. Frederick Moore), which was handed to the Legation subsequent to its transmission.

I have [etc.]

PAUL S. REINSCH.

[Inclosure—Telegram.]

Correspondent Moore to the Associated Press.

PEKING, *February 11, 1915—3 a. m.*

Although following lacks important details, for instance, number Japanese officials to be employed, its [it is] substantially body of Japanese demands:

No section China's coast or island off coast shall hereafter ceded, leased, another Power; China must employ Japanese in high official position in army, police, financial departments; China may call upon Japan alone for preservation her integrity; no foreigners but Japanese may [be] employed in arsenals; at least half arms and ammunition hereafter purchased must [be] from Japan; Japan will establish arsenal in China; China must grant same privileges as other nations to establish schools, churches, hospitals, missions and to purchase land therefor. In Yangtze valley, which British formerly considered their sphere influence, Japan requires joint control with Chinese of Hanyang

ironworks, Tayeh mines, Pinghsiang collieries; China may grant no competing concessions to other foreigners; railway concessions are demanded from Nanchang to Chaochowfu, Nanchang to Kukiang, Nanchang to Wuchang, Nanchang to Hangchow. In Fukien Province, where Japanese lay special claim because proximity Formosa, they require exclusion other foreigners from future railway, mining, dockbuilding concessions unless by Japanese consent. In Shantung, besides transfer all German rights, Japanese demand special concessions including railway from present line to northern coast. In Inner Mongolia, exclusion other foreigners from future mining, railway rights, except with Japan's consent. In Manchuria, extension present railway territorial leases to ninety-nine years. In both Mongolia, Manchuria, privilege of immigration farming [as] well as trading population with rights settlement, land ownership; all railways demanded must [be] under Japanese not Chinese control. British papers published Far East suggest Japan breaking terms of alliance while Japanese papers criticise, in some cases violently accusing British of having profited by alliance and being selfish in Japan's natural sphere; strained relations between these allies began when Japanese entered war and British sent fifteen hundred men to participate Tsingtau siege, which some Japanese publications considered not assistance but interference. Chinese Government pardoned Sun-yat-sen, Hwang-hsing, other rebel leaders; offered them high official positions if willing return and declare loyalty. To allay Japanese charges that Yuan-shih-kai's Government anti-Japanese, cabinet will [be] reconstructed.

MOORE.

File No. 793.94/461.

DEPARTMENT MEMORANDUM.

DEPARTMENT OF STATE,
OFFICE OF THE SECRETARY,
Washington, February 16, 1915.

The Japanese Ambassador called today and I brought to his attention the fact that the newspapers kept reporting larger demands than those enumerated in the memorandum handed by him to the Department a few days ago. He said he had noticed the newspaper statements and denied the truth of them. I asked him whether he thought it possible that any demands had been made not included in the memorandum which he gave us and he expressed himself as certain that the memorandum included everything. I asked him whether he had any idea as to the influences that were responsible for these exaggerations and he said he did not. I asked him whether it was possible that the German influences in China might be responsible and he said that while they might, they had no evidence upon which to make such a charge.

File No. 793.94/232.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, February 17, 1915—7 p. m.

Ascertaining that the Japanese Government has given to the interested Powers a memorandum of its demands from which those most obnoxious to foreign interests were omitted, as reported in my telegram of February 15, 10 p. m., [Chinese Government? [26]] is instructing Ministers abroad to communicate for the confidential information of the Governments to which they are accredited the full text of the demands as presented to the President on January 18 and since

then continuously urged by the Japanese Minister. Should you fail to receive this communication the Legation is now in a position to telegraph you the full text.

REINSCH.

File No. 793.94/240.

The Secretary of State to Ambassador Guthrie.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 19, 1915—3 p. m.

Press despatches have been announcing that Japan is asking of China:

1. That the Central Government employ only influential Japanese subjects as advisers for conducting administrative, financial and military affairs.
2. That China and Japan jointly police the important places in China or that China employ a majority of Japanese in her police department.
3. That China shall purchase from Japan at least half the arms and ammunition used in the whole country or establish jointly in Japan factories for the manufacture of arms.
4. That China shall permit Japan to build certain railroads connecting Wuchang with Kiukiang and Nanchang, Nanchang with Hangchow and Nanchang with Chiaochow.
5. That in case the province of Fukien requires foreign capital for railway construction, mining, harbor improvements and ship building, Japan shall be first consulted.

The above demands if they had been made would have aroused serious concern for they would have menaced the political integrity and independence of China and would have materially discriminated against other nations which are entitled to equal treatment.

We were very much relieved to receive the memorandum delivered by the Japanese Ambassador [27] and likewise forwarded by you,[27] for this memorandum is a complete denial of the press reports as above quoted and gives assurance that Japan has no such intention as the press reports would have indicated. You may express to the Government our appreciation of its action in making known to us its purpose, in accordance with the terms of the Root-Takahira agreement,[28] as stated in the memorandum referred to.

BRYAN.

File No. 793.94/241.

The Chinese Minister to the Secretary of State.[29]

ARTICLE I.

PROPOSED FOR THE PURPOSE OF PRESERVING PEACE IN THE FAR EAST AND STRENGTHENING THE FRIENDLY RELATIONS BETWEEN THE TWO COUNTRIES.

1. China shall recognize the transfer of all the rights in Shantung acquired and enjoyed by Germany in accordance with treaty stipulations or other rights with reference to China, regarding which Japan expects to come to an agreement with Germany eventually.

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[26] Omission.
[27] See ante under February 8 and 9, respectively.
[28] See ante, telegram of February 2 to Mr. Page, footnote.
[29] A memorandum, not dated, handed to the Secretary of State by the Chinese Minister

2. China shall not lease to other countries any territory or island on the coast of Shantung.

3. China shall grant to Japan the right to construct a railway from Yentai or Lungkow to connect with the Kiaochow-Tsinan line.

4. China shall open without delay the principal important cities of Shantung to trade.

ARTICLE II.

PROPOSED FOR THE PURPOSE OF SECURING TO JAPAN A POSITION OF SPECIAL DOMINANCE IN SOUTH MANCHURIA AND EAST MONGOLIA.

1. The lease of Port Arthur and Dairen, together with the South Manchurian Railway and the Mukden-Antung Railway, shall be extended to ninety-nine (99) years.

2. Japanese subjects shall have the right to rent and purchase land in South Manchuria and East Mongolia for uses connected with manufacture or agriculture.

3. Japanese subjects shall have the right to go freely to South Manchuria and East Mongolia for purposes of residence and trade.

4. The right to open and operate mines in South Manchuria and East Mongolia shall be granted to Japanese subjects.

5. China shall obtain the consent of the Japanese Government to actions of the two following kinds:

(a) Permitting citizens or subjects of other countries to build railroads in South Manchuria or East Mongolia, or negotiating for loans.

(b) Hypothecating the various revenues of South Manchuria and East Mongolia as security for foreign loans.

6. China shall consult Japan before employing advisers or instructors for conducting the administrative, financial or military affairs of South Manchuria and East Mongolia.

7. Japan shall have control of the Kirin-Changchun railway for ninety-nine (99) years.

ARTICLE III.

1. China and Japan shall agree to act jointly, not independently, in the contemplated formation of the Han-Yeh-Ping Company.

2. Without consent foreigners shall not be permitted to open and operate mines in the neighborhood of the Han-Yeh-Ping Company's property; and anything affecting the company directly or indirectly shall be decided jointly.

ARTICLE IV.

PROPOSED FOR THE PURPOSE OF EFFECTIVELY PROTECTING THE TERRITORIAL INTEGRITY OF CHINA.

1. China shall not alienate or lease to other countries any port, harbor, or island on the coast of China.

ARTICLE V.

1. The Central Government of China shall employ influential Japanese subjects as advisers for conducting administrative, financial and miltary affairs.

2. Japanese hospitals, missions, and schools established in the interior shall have the right to hold land in China.

3. China and Japan shall jointly police the important places in China, or employ a majority of Japanese in the police department of China.

4. China shall purchase from Japan at least half the arms and ammunitions used in the whole country or establish jointly in Japan factories for the manufacture of arms.

5. China shall permit Japan to build railroads connecting Wu Chang with Kiukiang and Nanchang, Nanchang with Hangchow, and Nanchang with Chiaochow (Swatow).

6. In case the Province of Fukien requires foreign capital for railway construction, mining, harbor improvements and shipbuilding Japan shall be first consulted.

7. Japan shall have the right to propagate religious doctrines in China.

File No. 793.94/241.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 19, 1915—2 p. m.

We have received from the Chinese Minister complete statement of demands. The demands contained in Article V are not included in the statement which we received from the Japanese Ambassador. We infer that the demands contained in Article V may have met with such opposition from the Chinese Government that they were withdrawn before the shorter statement was handed to us. Please keep us advised as to negotiations, cabling at once whether the demands in Article V affecting the entire Government are being urged. Those demands if they had been made as demands would have aroused serious concern for they would have menaced the political integrity and independence of China and would have materially discriminated against other nations which are entitled to equal treatment.

BRYAN.

File No. 793.94/236.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, February 20, 1915—5 p. m.

In reply to your telegram February 19, 2 p. m., I beg to refer to my previous reports particularly February 1, 8 p. m., February 8, 9 p. m., February 9, 7 p. m., February 15, 10 p. m.

As recently as yesterday Baron Kato informed Chinese Minister at Tokyo and on February 18 Japanese Minister informed the Foreign Office here that the Japanese Government was not satisfied with readiness of the Chinese Government to negotiate concerning

the first four articles but insisted upon negotiations in regard to the whole set of twenty-one demands presented on 18th ultimo including the more obnoxious ones segregated in article V.

REINSCH.

File No. 793.94/237.

Ambassador Guthrie to the Secretary of State.

[Telegram -Extract.]

AMERICAN EMBASSY,
Tokyo, February 21, 1915—4 p. m.

Your telegram of February 19, 3 p. m. The Japanese Minister for Foreign Affairs says that the statement handed me by him and sent you in my telegram of February 9, midnight, was complete of the "demands" [upon] which Japan would insist and refusal of which without good grounds would be a serious matter; but that in addition to these demands several matters had been presented to China as "requests" or wishes [of] which friendly consideration was desired. He said that, while press reports were exaggerated and distorted, these requests were substantially as indicated in the five articles of your telegram to me of February 19, 3 p. m., with the following qualifications:

First: The words "only influential" were not used. Japan desires, inasmuch as China employs advisers of the various nationalities, that she employ also "fully confident" [sic] [30] Japanese in like capacities.

Second: The request as to joint policing refers to "certain" places, by which was intended places in Manchuria to be designated where there has been friction between the two nationalities. Japan believes that joint policing would tend to better administration and more peaceful mutual relations.

Third: Japan's request in regard to purchase of arms and ammunition was that China purchase "a fixed quantity, say one half" from Japan or in default of this that factories be established in China with capital furnished jointly by the two countries.

Fourth: This article is substantially correct except that shipbuilding is not included. It was intended to secure the option; if Japan could not furnish the money China would be free to go elsewhere.

Baron Kato said that Japan's "requests" included two former articles:

First, liberty to propagate Japanese Buddhism in China and

Second, the right of Japanese Buddhist organizations to own lands and buildings for their temples, schools, and hospitals.

He asked me to forward this information to you confidentially. He was particularly anxious that you should understand that the reason for confining the statement sent you strictly to Japan's "demands" was that the other items were "requests" and were so designated when presented to China.

GUTHRIE.

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[30] See paragraph 1 of the next paper.

File No. 793.94/550.

The Japanese Embassy to the Department of State.[31]

1. Employment in the central government of competent Japanese as political, financial and military advisers.
2. Recognition of the right of the Japanese hospitals, churches and schools in the interior to own lands.
3. Employment of a large number of Japanese in the Chinese police offices in the localities where it is deemed necessary, and placing of the police system in those localities on a joint Chino-Japanese footing.
4. Purchase from Japan of the arms and ammunition not to be less than certain amount; or establishment in China of joint Chino-Japanese factory for the manufacture of arms, the material and the service of engineers in connection therewith to be secured from Japan.
5. The railway concessions regarding the lines connecting Wuchang with the Kiukiang-Nanchang Railway, Nanchang with Hangchow, and Nanchang with Chaochow.
6. Consultation with Japan in the first instance in case foreign capital is required in connection with the railway or the mining or harbor works (including dock-yard) in the Province of Fukien.
7. Recognition of the right of Japanese as regards the propagation of religious teachings in China.

File No. 793.94/238.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, February 23, 1915—8 p. m.

My telegram of February 20, 5 p. m. At the conference yesterday Japanese Minister continued to insist on full list of demands including Article V. When the Chinese refused steadfastly the Japanese Minister agreed to discussion in detail but insisting that Article V must be taken up in its turn. The demands relating to Shantung were then discussed. The Japanese ruled out the question of rendition of Tsingtau as irrelevant, and, rejecting all Chinese counter proposals, insisted that [on?] acceptance of Article I en bloc. As the Chinese did not agree to this, the meeting remained without result. Adjournment was taken till Friday [the 26th], when Article II will be discussed.

REINSCH.

File No. 793.94/242.

AMERICAN LEGATION,
Peking, February 26, 1915—7 p. m.

My telegram of February 23, 8 p. m. At Sino-Japanese diplomatic conference yesterday the opening of additional treaty ports in Shantung was agreed to. The Chinese Government refused to accept the

[31] An undated memorandum handed to the Secretary of State by the Japanese Ambassador, February 22, 1915.

wording of preamble of Article II that "the Chinese Government has always acknowledged the special position enjoyed by Japan in South Manchuria and Inner Mongolia" and they they will continue to resist the attempt to have a special status of Japan in that region formally sanctioned. Next meeting Sunday [the 28th].

REINSCH.

File No. 793.94/292.

Minister Reinsch to the Secretary of State.

No. 571.] AMERICAN LEGATION,
Peking, March 6, 1915.

SIR: In continuation of my despatch No. 540 of the 15th ultimo and referring to my telegrams of February 15, 10 p. m.; 17, 7 p. m.; 20, 5 p. m.; 23, 8 p. m.; and 26, 7 p. m., I have the honor to report briefly on the state of the negotiations between the Japanese and Chinese Governments.

Diplomatic conferences were held on February 28 and March 3. In both of these the demands relating to Shantung and Manchuria and Mongolia were discussed. No definite point of agreement was secured, except that the Chinese Government declared its readiness in principle to open additional treaty ports in Shantung and to extend the leases of Port Arthur and Dairen and of the railways in South Manchuria. The Chinese Government is ready to accede to Article II of Section 1[32] by way of issuing a non-alienation decree.

With respect to Article III (Section 1) of the Japanese demands, the Chinese Government is ready to make a contract with Japan providing for the building of a Chinese Government railway from Chefoo or Lungk'ou to Weihsien with a Japanese loan and under Japanese engineering and auditing control, following herein the accustomed terms of railway contracts in China. The Japanese Government seems ready to accept this, but insists, however, on the right of fixing the terminals of the railway. As it is feared that it may be the desire of Japan to develop Lungk'ou and entirely to isolate Chefoo, leaving the latter port without railway connection, the Chinese Government is desirous of securing the assurance that the railway may be built to Chefoo without opposition by Japan. Incidental negotiations dealing with this question have been reported in my despatch No. 558 of the 1st instant.[21]

The Japanese Government has strongly insisted upon the adoption of the preamble to Section 2. The Chinese Government is, however, resisting with all its force the acknowledgment of a special position of Japan in South Manchuria and Inner Mongolia. As the Japanese demand on this point conflicts with existing treaty rights, the position of the Chinese Government is strong, if it would only be given the support of the nations holding rights under these treaties.

With respect to the extension of the leases mentioned in Article I (Section 2), the Chinese Government is willing to grant an extension, even in the case of the railways, although this amounts directly

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[21] Not printed.

[32] Throughout this despatch the words "article" and "section" correspond to the paragraph and article, respectively, of preceding references; see the Chinese memorandum, ante.

to the grant of an important money value, since the Chinese Government is, under the terms of the contract, to become the proprietor, absolutely and without payment, of the railways at the end of the lease. The Chinese Government is not so ready to extend the term provided in the railway contract for the period (thirty-two [thirty-six] years) after which it is to have the right to redeem the railway properties upon payment of their value.

It is recognized that Articles II and III (Section 2) would, if granted, open the regions concerned to all foreigners for trade, farming and residence, through the operation of the most-favored-nation clause. While such a grant would therefore not conflict with existing treaties, it is considered by the Chinese to involve a serious menace to their sovereignty, since all foreigners entering these regions are exempt from Chinese jurisdiction. It is moreover, of course, anticipated that should these demands be conceded the enjoyment of the privileges granted would through natural causes fall almost entirely to the Japanese, tending to make the whole region a Japanese colony. It is for this reason that the Chinese are very unwilling to grant these demands and propose to solve the difficulty by opening additional places to foreign residence and trade.

The remaining articles have not yet been discussed in detail. I have the honor to submit a copy of the original Chinese document handed to President Yuan Shih-k'ai by Mr. Hioki, the Japanese Minister, on January 18. There is also enclosed a translation of this document which was given to me by one of the staff of the Foreign Office on February 20. For convenience of reference this translation has been arranged parallel with the statement of the demands as handed to me by the Japanese Minister of the 14th ultimo. In the translation, as transmitted, certain corrections have been made by Dr. C. D. Tenney, the Chinese Secretary of Legation, as noted therein.

I have [etc.]

PAUL S. REINSCH.

[Inclosure.]

Translation of document handed to President Yuan Shih Kai by Mr. Hioki, the Japanese Minister, on January 18, 1915.

I.

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighborhood existing between the two nations, agree to the following articles:

ARTICLE I.

The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of

Handed to the American Minister by the Japanese Minister on February 14, 1915.

I.

In relation to the Province of Shantung:

ARTICLE I.

Engagement on the part of China to consent to all matters that may be agreed upon between Japan and Germany with regard to the disposition of all rights, interests and concessions

all rights, interests and concessions which, by virtue of treaties or otherwise, Germany possesses in relation to the Province of Shantung.

ARTICLE II.

The Chinese Government engages that within the Province of Shantung and along its coast no territory or island will be ceded or leased to a third power under any pretext.

ARTICLE III.

The Chinese Government consents to Japan's building a railway from Chefoo or Lungkou to join the Kiaochou-Chinanfu Railway.

ARTICLE IV.

The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the Province of Shantung as commercial ports. What places shall be opened are to be jointly decided upon by the two Governments in a separate agreement.

II.

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

ARTICLE I.

The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

ARTICLE II.

Japanese subjects (literally, Japanese officials or common people) in South Manchuria and Eastern Inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming

ARTICLE III.

Japanese subjects (literally, Japanese officials or common people) shall be free to reside and travel in South Manchuria and Eastern Inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

which, in virtue of treaties or otherwise, Germany possesses in relation to the Province of Shantung.

ARTICLE II.

Engagement not to alienate or lease upon any pretext the Province of Shantung or any portion thereof, and any island lying near the coast of the said province.

ARTICLE III.

Grant to Japan of the right of construction of a railway connecting Chefoo or Lungkou and the Tsinan-Kiaochou Railway.

ARTICLE IV.

Addition of open marts in the Province of Shantung.

II.

In relation to South Manchuria and Eastern Inner Mongolia:

ARTICLE I.

Extension of the terms of lease of Kwantung, the South Manchurian Railway and the Antung-Mukden Railway.

ARTICLE II.

(*a*) Acquisition by the Japanese of the right of residence and the ownership of land. (*b*) Grant to Japan of the mining rights of the mines specified by Japan.

ARTICLE IV.

The Chinese Government agrees to grant to Japanese subjects (literally, Japanese officials or common people) the mining rights of all the mines in South Manchuria and Eastern Inner Mongolia. *As regards what mines are to be opened they shall be decided upon by the two Governments jointly.

*(As regards the opening of each mine there shall be a separate agreement.—C. D. T.)

ARTICLE V.

The Chinese Government agrees that, in respect of the (two) cases mentioned herein below, the Japanese Government's consent shall be first obtained before action is taken:

(*a*) Whenever permission is granted to the subject of a third Power to build a railway or to make a loan with a third Power for the purpose of building a railway in South Manchuria and Eastern Inner Mongolia.

(*b*) Whenever a loan is to be made with a third Power pledging the local taxes of South Manchuria and Eastern Inner Mongolia as security.

ARTICLE VI.

The Chinese Government agrees that if the Chinese Government employs political, financial or military advisers or instructors in South Manchuria or Eastern Inner Mongolia, the Japanese Government shall first be consulted.

ARTICLE VII.

The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

III.

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Han-yeh-ping Company have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:

ARTICLE I.

The two contracting parties mutually agree that when the opportune moment arrives the Han-yeh-ping Company shall be made a joint concern of

ARTICLE III.

Obligation on the part of China to obtain in advance the consent of Japan before she grants railway concessions to any third Power, procures the supply of capital from any third Power for the construction of a railway, or raises from any third Power a loan on security of any duties or taxes.

ARTICLE IV.

Obligation on the part of China to consult Japan before employing advisers or tutors regarding political, financial or military matters.

ARTICLE V.

Transfer of the management and control of the Kirin-Changchun Railway to Japan.

III.

Agreement in principle that, at an opportune moment in future, Han-yeh-ping Company should be placed under the Japanese and Chinese cooperation.

the two nations; and they further agree that, without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company nor cause the said company to dispose freely of the same.

ARTICLE II.

The Chinese Government agrees that all mines in the neighborhood of those owned by the Han-yeh-ping Company shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which it is apprehended may directly or indirectly affect the interests of the said company, the consent of the said company shall first be obtained.

IV.

The Japanese Government and the Chinese Government, with the object of effectively preserving the territorial integrity of China, agree to the following special article:

The Chinese Government engages not to cede or lease to a third Power any harbor or bay or island along the coast of China.

V.

ARTICLE I.

The Chinese Central Government shall employ influential Japanese (literally, Japanese who have strength, power, or influence) as advisers in political, financial and military affairs.

ARTICLE II.

Japanese hospitals, churches and schools in the interior of China shall be granted the right of owning land.

ARTICLE III.

Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police to settle, cases which caused no little misunderstanding, it is for this reason necessary that the police departments of the important places (in China) shall be jointly administered by Japanese and Chinese or that the police departments of these places shall employ numerous Japanese, so that they may at the same time help to

IV

Engagement, in accordance with the principle of maintenance of the territorial integrity of China, not to alienate or lease any ports and bays on, and any land [island] near the coast of China.

plan for the improvement of the Chinese police service.

ARTICLE IV.

China shall purchase from Japan a fixed amount of munitions of war (say 50 per cent or more of what is needed by the Chinese Government) or that there shall be established in China a Sino-Japanese jointly worked arsenal. Japanese technic-experts are to be employed and Japanese material to be purchased.

ARTICLE V.

China agrees to grant to Japan with the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hanchou, and another between Nanchang and Chaochou.

ARTICLE VI.

If China needs foreign capital to work mines, build railways and construct harbor-works (including dockyards) in the Province of Fukien, Japan shall be first consulted.

ARTICLE VII.

China agrees that Japanese subjects shall have the right to propagate Buddhism (In Chinese text, reference is to religion and not especially to Buddhism) in China.

File No. 793.94/245.

Minister Reinsch to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, March 8, 1915—7 p. m.

Referring to my cable of February 26, 7 p. m. At the meeting March 6, Japanese Minister stated that his Government was dissatisfied with the slow progress of the negotiations and that unless by March 12 important concessions should have been granted, means outside of diplomacy might be resorted to. He continues to urge the consideration of the demands in Group V. The Chinese are ready to grant extension of South Manchuria Railway lease to ninety-nine years and of the repurchase terms, as well as of the Antung-Mukden line to seventy-two years; also to make some concessions regarding rights of residence and landholding in this region. The Chinese in making these important concessions desire definitive withdrawal of the obnoxious demands in Group V, but they fear armed pressure. Japanese Minister yesterday stated to the Vice Minister for Foreign Affairs that the railway guards on the South Manchuria Railway are shortly to be relieved by forces and he suggested the

possibility that the old troops might thus find themselves free to take unexpected action.

REINSCH.

File No. 793.94/248.

Ambassador Guthrie to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokyo, March 11, 1915—7 p. m.

Papers report that troops to relieve garrison at Tsingtau have been ordered to proceed to that port and that those to relieve garrisons at Tientsin and in Manchuria and Chosen will be sent in a few days. Relief is ordinarily made in June. Papers say that troops now on duty have not been, and for present will not be, withdrawn and consequently force will be doubled. Some say this is intended to coerce China; others that it is to be ready for possible disturbances. Cannot secure either confirmation or denial. Election takes place on 25th.

GUTHRIE.

File No. 793.94/249.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, March 12, 1915—7 p. m.

Liberal concessions by Chinese of ninety-nine year extension both of South Manchuria and Antung-Mukden lines appear to have made situation slightly easier. Yesterday Baron Kato told Chinese Minister at Tokyo that he was gratified at the spirit manifested in dealing with Manchurian railway questions but at the same time he asserted could not withdraw the demands in Group V; and at the meeting here Tuesday the Japanese Minister told the Minister for Foreign Affairs that he must reckon on the fact that the Japanese fleet has already sailed under sealed orders, its destination and purposes being known only to the authorities at Tokyo. Yesterday Group II was further discussed. Chinese will grant one year period to Japanese for prospecting and locating mines in Manchuria; in return for inclusion of police advisers in Article 6, Japanese will waive Article 3, Group V; Chinese will [33] Article 5, Group II.

REINSCH.

File No. 793.94/250.

AMERICAN LEGATION,
Peking, March 13, 1915—10 p. m.

The Chinese Government is informed that the second Japanese squadron has sailed with 30,000 men to be distributed in Manchuria, Tientsin, Shantung and Hankow.

REINSCH.

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[33] Apparent omission.

File No. 793.94/240.

The Secretary of State to the Japanese Ambassador.

DEPARTMENT OF STATE,
Washington, March 13, 1915.

EXCELLENCY: On February 8 last your excellency left with me at the Department a memorandum setting forth the demands which the Imperial Japanese Government felt obliged to make upon China, and on the 22d of the same month your excellency delivered to me an additional memorandum presenting certain "requests" affecting the relations between the two countries which the Imperial Government has urged China to consider.

The American Government is glad to learn from these two communications of the Imperial Government that the "requests" were not presented to China as "demands" but that they were but "wishes" for which "friendly consideration" was asked on the part of China. The American Government understands from this distinction between the "demands" and the "requests" that the latter are not to be pressed if the Chinese Government should decline to consider them.

Inasmuch as these requests appear to have a bearing upon the traditional attitude of both the United States and Japan towards China, I desire to present to your excellency the following considerations of the Government of the United States relative to the effect which, it is thought, these demands and requests may have upon the relations of the United States with the Chinese Republic.

Reciprocating the frank and friendly character of the statements of the Imperial Japanese Government, the Government of the United States of America believes that an expression of its views with respect to these matters will be received by the Imperial Government in the same friendly spirit in which it is offered.

It will be recalled that in the year 1899 the Government of the United States requested the Governments of France, Germany, Great Britain, Italy, Russia and Japan to give their formal consent to three proposals:

First. They will in no way interfere with any treaty port or any vested interest within any so-called "sphere of interest" or leased territory they may have in China.

Second. The Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said "sphere of interest" (unless they be "free ports"), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third. They will levy no higher harbor dues on vessels of another nationality frequenting any port in such "sphere" than shall be levied on vessels of their own nationality, and no higher railroad charges over lines built, controlled, or operated within such "sphere" on merchandise belonging to citizens or subjects of other nationalities transported through such "sphere" than shall be levied on similar merchandise belonging to their own nationals transported over equal distances.

On December 26, 1899, the Minister for Foreign Affairs addressed a note to the American Minister at Tokyo assuring the Minister—

that the Imperial Government will have no hesitation to give their assent to so just and fair a proposal of the United States, provided that all the other Powers concerned shall accept the same.[34]

[34] For. Rel. 1899, pp. 138–139.

A similar acceptance was given on behalf of the other Powers approached.

On July 3, 1900, having been consulted by other Powers as to the course to be pursued in China as a result of the Boxer disturbances, this Government expressed its views in a circular communication to Austria-Hungary, France, Germany, Great Britain, Italy, Japan and Russia, stating that—

> the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly Powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.[35]

In reply the Minister for Foreign Affairs of the Imperial Government expressed through the American Minister at Tokyo views in accord with those of the United States Government.[36]

In the following month Great Britain and Germany signed an agreement defining their mutual policy in China:[37]

> I. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries without distinction, and the two Governments agree on their part to uphold the same for all Chinese territory so far as they can exercise influence.
>
> II. Her Britannic Majesty's Government and the Imperial German Government will not on their part make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions and will direct their policy towards maintaining undiminished the territorial conditions of the Chinese Empire.

This agreement being communicated by those Powers to Japan was acknowledged by the Imperial Government in a note containing the following language:

> The Imperial Government having been assured by the contracting Powers that in adhering to the agreement in question they would be placed in relation to it in the same position as if they had been a signatory thereto, do not hesitate to declare formally their adherence to the said agreement and their acceptance of the principles embodied therein.

In 1901, when the Manchurian Convention was being negotiated by the Russian and Chinese Governments, involving the grant of certain exclusive privileges relating to the opening of mines and the building of railroads in Manchuria, the Japanese Minister called on the Secretary of State of the United States and said that the Japanese Government considered that the convention was a most undesirable thing because it was a violation of the understanding among all the Powers that the integrity of the Chinese Empire should be preserved, and that the Japanese Government was anxious that some means should be taken by the different Powers to induce China to delay the final signature of the convention beyond the period assigned by Russia as an ultimatum for signing.

On the same subject a circular note was sent by the United States to Belgium, China, France, Germany, Great Britain, Italy, Japan, the Netherlands, Russia and Spain, as follows:[38]

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[35] For. Rel. 1900, pp. 299, 304.
[36] Id. 364.
[37] Id. 354.
[38] For. Rel. 1902, p. 26.

An agreement by which China cedes to any corporation or company the exclusive right and privilege of opening mines, establishing railroads, or in any other way industrially developing Manchuria, can but be viewed with the gravest concern by the Government of the United States. It constitutes a monopoly, which is a distinct breach of the stipulations of treaties concluded between China and foreign Powers, and thereby seriously affects the rights of American citizens; it restricts their rightful trade and exposes it to being discriminated against, interfered with or otherwise jeopardized, and strongly tends towards permanently impairing the sovereign rights of China in this part of the Empire, and seriously interferes with her ability to meet her international obligations. Furthermore, such concession on the part of China will undoubtedly be followed by demands from other Powers for similar and equally exclusive advantages in other parts of the Chinese Empire, and the inevitable result must be the complete wreck of the policy of absolute equality of treatment of all nations in regard to trade, navigation, and commerce within the confines of the Empire.

On the other hand, the attainment by one Power of such exclusive privileges for a commercial organization of its nationality conflicts with the assurances repeatedly conveyed to this Government by the Imperial Russian Ministry of Foreign Affairs of the Imperial Government's intention to follow the policy of the open door in China, as advocated by the Government of the United States and accepted by all the Treaty Powers having commercial interests in that Empire.

It is for these reasons that the Government of the United States, animated now, as in the past, with the sincerest desire of insuring to the whole world the benefits of full and fair intercourse between China and the nations on a footing of equal rights and advantages to all, submits the above to the earnest consideration of the Imperial Governments of China and Russia, confident that they will give due weight to its importance and adopt such measures as will relieve the just and natural anxiety of the United States.

The foregoing constitute the beginnings of the policy of the United States and other Powers interested in the welfare of China for the maintenance of the territorial integrity and administrative entity of China, and equal opportunities in commerce and industries in her behalf. To this policy the Powers have generally given their formal acceptance and support.

It is only necessary to refer to the British-Japanese Treaty of 1902, the Japanese Declarations at the opening of the Russo-Japanese war, the British-Japanese Treaty of 1905, the Russo-Japanese Treaty of Portsmouth, of 1905, the Franco-Japanese Entente of 1907, and the Russo-Japanese Treaty of 1907, in which Japan confirmed her special interest in maintaining the political independence and territorial integrity of the Empire of China, and in securing equal opportunities to all nations in the commercial and industrial development of China.

Finally, the United States and Japan declared their policy in the Far East by an exchange of notes on November 30, 1908, between the Honorable Elihu Root, then Secretary of State, and Baron Kogoro Takahira, the Ambassador of Japan. These notes contain the following language:[39]

4. They are also determined to preserve the common interest of all Powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.

5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider useful to take.

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[39] For. Rel. 1908, p. 511.

I assume that it is because they wish to act in the spirit of this agreement to communicate with each other in reference to any event which may threaten these principles that your excellency's Government has informed this Government of the above-mentioned proposals which have been made to China. It is with the same purpose also, and on the further ground that the United States feels itself under a moral obligation to the Powers whose pledges are deposited with it not to pass over in silence any threatened violation of these pledges, that I address this communication to you with a view to carrying out the agreement of 1908 in accordance with that mutual regard and friendship which inspired it.

The United States, confident that the principle of mutuality will be preserved by Japan, believes that it may rely upon the often repeated assurances of your excellency's Government relative to the independence, integrity and commerce of China, and that no steps will be taken contrary to the spirit of those assurances.

For two generations American missionaries and teachers have made sacrifices in behalf of religious and educational work in China. American capital has been invested and industries have been established in certain regions. The activity of Americans has never been political, but on the contrary has been primarily commercial with no afterthought as to their effect upon the governmental policy of China. As an outgrowth of these two interests Americans have become concerned in the legitimate participation in the economic development of China along broader lines. Many projects which in other countries are left to private enterprise are in China conducted necessarily under government direction. United States citizens and capital are thus engaged in certain public improvements, such as the Huai River conservancy, the Hukuang Railway project, etc. A fourth matter of great moment to the United States is its broad and extensive treaty rights with China. These in general relate to commercial privileges and to the protection of Americans in China. In view of these treaty rights and its increasing economic interests in China, this Government has noted with grave concern certain of the suggestions which Japan has, in the present critical stage of the growth and development of the new Republic, considered it advisable to lay before the Chinese Government. While on principle and under the treaties of 1844, 1858, 1868 and 1903 with China the United States has ground upon which to base objections to the Japanese "demands" relative to Shantung, South Manchuria, and East Mongolia, nevertheless the United States frankly recognizes that territorial contiguity creates special relations between Japan and these districts. This Government, therefore, is disposed to raise no question, at this time, as to Articles I and II of the Japanese proposals. Further, as to Article IV, and Article V, paragraphs 2, 5 and 7, this Government perceives no special menace to the existing rights and interests of the United States or of its citizens in China. On the other hand Article V, paragraph 4, restricting the purchase of arms and ammunition to purchases from Japan, and paragraph 6 contemplating a monopoly of the development of the province of Fukien, the United States Government considers, would, if they should become operative, be violations of the principle of equal opportunity for the commerce and industries of other nations. American citizens may claim a right to share

in the commercial development not only in Fukien but in other provinces as well. The United States is not unmindful that many serious disadvantages would result to its commercial and industrial enterprises if special preference is given to one nation in the matter of concessions. An example is shown in the operation of the South Manchuria Railway whereby discriminations have been made for some time against freight brought into Manchuria in other than Japanese vessels.[a] This case indicates the embarrassing results of concessions of a broad preference or option. The United States, as well as every other nation, has the right to have its citizens free to make contracts with the Central and Provincial Governments without having the exercise of their rights interrupted or regarded as unfriendly by a third power; for each American enterprise in China is treated on its own merits as to its usefulness and prospective benefit, and without any regard to the possible effect it might have on China's future political status in the Orient.

The rights and privileges, which are set forth in these two paragraphs and which Japan seeks to obtain from China, are in conflict with rights of Americans secured by treaties between the United States and China.

Article XV of the Treaty of 1844 reads as follows:

The former limitation of the trade of foreign nations to certain persons appointed at Canton by the Government and commonly called Hong-merchants, having been abolished, citizens of the United States, engaged in the purchase or sale of goods of import or export, are admitted to trade with any and all subjects of China without distinction; they shall not be subject to any new limitations, nor impeded in their business by monopolies or other injurious restrictions.

Article XXX of the Treaty of 1858 reads as follows:

The contracting parties hereby agree that should at any time the Ta Tsing Empire grant to any nation or the merchants or citizens of any nation, any right, privilege or favor, connected either with navigation, commerce, political or other intercourse which is not conferred by this treaty, such right, privilege and favor shall at once freely enure to the benefit of the United States, its public officers, merchants and citizens.

Article VIII of the Treaty of 1868 reads as follows:

The United States, always disclaiming and discouraging all practices of unnecessary dictation and intervention by one nation in the affairs or domestic administration of another, do hereby freely disclaim and disavow any intention or right to intervene in the domestic administration of China in regard to the construction of railroads, telegraphs or other material internal improvements. On the other hand, his Majesty, the Emperor of China, reserves to himself the right to decide the time and manner and circumstances of introducing such improvements within his dominions. With this mutual understanding it is agreed by the contracting parties that if at any time hereafter his Imperial Majesty shall determine to construct or cause to be constructed works of the character mentioned within the empire, and shall make application to the United States or any other western Power for facilities to carry out that policy, the United States will, in that case, designate and authorize suitable engineers to be employed by the Chinese Government, and will recommend to other nations an equal compliance with such application, the Chinese Government in that case protecting such engineers in their persons and property, and paying them a reasonable compensation for their service.

Articles III and VII of the Treaty of 1903 read as follows:

Article III. Citizens of the United States may frequent, reside and carry on trade, industries and manufactures, or pursue any lawful avocation, in all

[a] See under Japan, Discrimination in freight rates, etc., p. 594, post.

the ports or localities of China which are now open or may hereafter be opened to foreign residence and trade; and, within the suitable localities at those places which have been or may be set apart for the use and occupation of foreigners, they may rent or purchase houses, places of business and other buildings, and rent or lease in perpetuity land and build thereon. They shall generally enjoy as to their persons and property all such rights, privileges and immunities as are or may hereafter be granted to the subjects or citizens of the nation the most favored in these respects.

Article VII. The Chinese Government, recognizing that it is advantageous for the country to develop its mineral resources, and that it is desirable to attract foreign as well as Chinese capital to embark in mining enterprises, agrees, within one year from the signing of this treaty, to initiate and conclude the revision of the existing mining regulations. To this end China will, with all expedition and earnestness, go into the whole question of mining rules; and, selecting from the rules of the United States and other countries regulations which seem applicable to the condition of China, will recast its present mining rules in such a way as, while promoting the interests of Chinese subjects and not injuring in any way the sovereign rights of China, will offer no impediment to the attraction of foreign capital nor place foreign capitalists at a greater disadvantage than they would be under generally accepted foreign regulations; and will permit citizens of the United States to carry on in Chinese territory mining operations and other necessary business relating thereto provided they comply with the new regulations and conditions which will be imposed by China on its subjects and foreigners alike, relating to the opening of mines, the renting of mineral land, and the payment of royalty, and provided they apply for permits, the provisions of which in regard to necessary business relating to such operations shall be observed. The residence of citizens of the United States in connection with such mining operations shall be subject to such regulations as shall be agreed upon by and between the United States and China.

Any mining concessions granted after the publication of such new rules shall be subject to their provisions.

It is manifest that these articles including "most favored nation" treatment entitle Americans to claim from China the same rights as those which Japan now seeks to have granted exclusively to her subjects.

It remains to call attention to Article III forbidding the alienation or lease of any port, harbor or island on the coast of China, and to Article V, paragraph 1, requiring China to employ competent Japanese subjects as advisers for conducting administrative, financial and military affairs, and paragraph 3 suggesting the joint policing of China, "where it is deemed necessary."

With reference to the first of these three proposals, Baron Kato has explained to the American Ambassador at Tokyo that Japan has no desire for a naval station on the coast of China, either at Tsingtau, or south of that point, as it would be valueless to her, but that it would however object to another nation having such a station. With reference to the employment of advisers the United States believes it may be assumed that the Chinese Government will not discriminate unfairly in their selection, although it should be pointed out that this Government understands that Japan has six out of twenty-five advisers to the Republic representing eight nations. In respect to the proposed joint policing of certain places where there has been some friction between Japanese and Chinese, this Government feels apprehensive that this plan, instead of tending to lessen such friction might create greater difficulties than those which it is desired to remove.

But what is more important is the fact that these proposals, if accepted by China, while not infringing the territorial integrity of

the Republic, are clearly derogatory to the political independence and administrative entity of that country. The same is in a measure true of Paragraph 4 of Article V relative to the purchase of arms. It is difficult for the United States, therefore, to reconcile these requests with the maintenance of the unimpaired sovereignty of China, which Japan, together with the United States and the Great Powers of Europe, has reaffirmed from time to time during the past decade and a half in formal declarations, treaties and exchanges of diplomatic notes. The United States, therefore, could not regard with indifference the assumption of political, military or economic domination over China by a foreign Power, and hopes that your excellency's Government will find it consonant with their interests to refrain from pressing upon China an acceptance of proposals which would, if accepted, exclude Americans from equal participation in the economic and industrial development of China and would limit the political independence of that country.

The United States is convinced that an attempt to coerce China to submit to these proposals would result in engendering resentment on the part of the Chinese and opposition by other interested Powers, thereby creating a situation which this Government confidently believes the Imperial Government do not desire.

The United States Government embraces this opportunity to make known that it has viewed the aspirations of Japan in the Far East with that friendship and esteem which have characterized the relations of the two nations in the past. This Government cannot too earnestly impress upon your excellency's Government that the United States is not jealous of the prominence of Japan in the East or of the intimate cooperation of China and Japan for their mutual benefit. Nor has the United States any intention of obstructing or embarrassing Japan, or of influencing China in opposition to Japan. On the contrary the policy of the United States, as set forth in this note, is directed to the maintenance of the independence, integrity and commercial freedom of China and the preservation of legitimate American rights and interests in that Republic.

Accept [etc.]

W. J. Bryan.

Note.—A brief summary of the above note was telegraphed, March 13, 1915, 6 p. m., to the American Ambassador at Tokyo with instructions to repeat it to the American Minister at Peking.

File No. 793.94/250.

The Secretary of State to Minister Reinsch.

[Telegram.]

Department of State,
Washington, March 13, 1915—6 p. m.

You will receive through Tokyo summary of note handed to-day to Japanese Ambassador here. Call attention of Foreign Office to treaty provisions cited which Japanese proposals may possibly affect.

Bryan.

File No. 793.94/251.

Ambassador Guthrie to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokyo, March 17, 1915—1 p. m.

I yesterday communicated to the Minister for Foreign Affairs substance of your telegram of March 13, 6 p. m.,[40] reading to him the last portion as instructed. He said that he had not yet received the contents of the note handed to Viscount Chinda. He first asked if the note was presented at the request of or suggestion of China or of any other Power. I told him I had no reason for thinking so or that it presented anything but the views of the United States. He then spoke quite freely: As to the privileges asked in Fukien he asserted that precedents existed in the way of exclusive privileges granted in certain provinces to Great Britain and other countries respectively and that even if the proposed agreement for the purchase of arms could be objected to, which he would not admit, he could see no objection to the suggestion for the erection in China of manufactories of arms under joint management. He said however that he was not prepared to discuss the questions raised but would consider and answer the note when it was received in the same spirit of friendliness in which the communication was made. He told me the negotiations were "proceeding not altogether unsatisfactorily" and that while he would like greater speed still owing to the use of interpreters the delay was probably unavoidable.

GUTHRIE.

File No. 793.94/252.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, March 17, 1915—7 p. m.

In accordance with instructions in your March 13, 6 p. m., I have called the attention of the Foreign Office to the treaty provisions cited. The Minister of Foreign Affairs assures me that the fullest consideration was being given to treaty rights.

At the meeting yesterday the demands relating to Manchuria and Mongolia were further discussed. The Japanese proposed that twenty-seven new trade marts should be opened; moreover that permission should be extended for Japanese settlement in the interior without restriction. The Chinese are ready to adopt former alternative but not both.

Your telegram of March 13, 6 p. m., repeated from Tokyo implies a communication by Japan supplementary to the statement of demands communicated early in detail to our Embassy at Tokyo. If such supplementary statement has been made I beg to request that its text be quoted to me for information.

REINSCH.

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[40] See editor's note following the communication of March 13 to the Japanese Ambassador.

File No. 793.94/251.

The Secretary of State to Ambassador Guthrie.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 17, 1915—5 p. m.

Your telegram of March 17, 1 p. m. Our note was not presented at the request or suggestion of China or any other Power.

BRYAN.

File No. 793.94/252.

The Secretary of State to Minister Reinsch.

[Telegram—Extract.]

DEPARTMENT OF STATE,
Washington, March 18, 1915—2 p. m.

Your telegram of March 17, 7 p. m. The supplementary memorandum handed to this Government by Japan on February 22 is substantially identical with Article V of Chinese memorandum and was accompanied by a statement that these items were presented merely as requests for which friendly consideration was desired.

Copies of the American note and Japanese memoranda are being mailed to you.[41] The first memorandum received here February 8 is identical with the Chinese first four articles except that item 2 of Article III is omitted. Both Japanese memoranda were communicated in strict confidence and are not to be communicated to China.

BRYAN.

File No. 793.94/258.

Ambassador Guthrie to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokyo, March 21, 1915—noon.

Yesterday afternoon I had a very full and frank interview with Japanese Minister for Foreign Affairs. He read to me a telegram which he stated he had sent to Chinda in regard to Mr. Bryan's note, only an abstract of which he said he had as yet received. He dwelt especially on Fukien saying that Japan was very sensitive about it because of its proximity to Formosa, and that she had been made uneasy some years ago by Secretary Hay's suggestion that the United States desired to improve a harbor there for a naval coaling station,[42] and that this uneasiness had been recently re-

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[41] They were mailed to him on March 22, 1915.

[42] The text refers to the following:

The Secretary of State to Minister Buck.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 7, 1900.

The Navy greatly desires a coaling station at Samsah Inlet north of Fuchow. Ascertain informally and discreetly whether Japanese Government would see any objection to our negotiating for this with China.

HAY.

(Footnote continued on page 114.)

vived by published reports that the Bethlehem Steel Company was negotiating with China a contract for that harbor's improvement. He said that the purpose of Japan's request on this point was to guarantee her against any action by any power which would give the latter a foothold in that province, as any attempt by any power to gain a foothold there would be regarded as unfriendly and inimical to Japan. He said that his only desire was to prevent this, not to secure for Japan any exclusive commercial advantages, his information being that the district is poor, that there are no indications of valuable mineral resources and that the hilly character and poverty of the country would make railroad building expensive and unprofitable. He expressed the belief that if Japan, at the suggestion of the United States, withdrew the request concerning Fukien and the fact became known in Japan it would create a suspicion and resentment and impair the growing cordiality between the two peoples. In conclusion he said that before the United States approve the withdrawal of this request he would suggest that the United States and Japan should agree upon a frank and friendly statement concerning this province by which all possibility of future uneasiness might be eliminated. He expressed his belief that if some such mutual understanding could be reached the friendship between our two countries would be put upon a more solid basis than it had

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Minister Buck to the Secretary of State.

[Telegram.]

LEGATION OF THE UNITED STATES,
Tokyo, December 10, 1900.

The Japanese Government declines to accede to the proposal for coaling station for the United States Navy at Samsah Inlet. Today Minister of Japan at Washington has been instructed by telegraph upon the subject fully. He will communicate particular reasons.

BUCK.

Minister Buck to the Secretary of State.

No. 524.] LEGATION OF THE UNITED STATES,
Tokyo, December 11, 1900.

SIR: I have the honor to confirm your telegraphic instruction of the 7th instant, received on the 9th, and my reply by telegraph yesterday, the 10th, concerning the matter of obtaining for our Navy a coaling station at Samsah Inlet, north of Foochow.

In an interview with the Japanese Minister for Foreign Affairs yesterday he said that he had received on the 7th instant a telegram from the Japanese Minister in Washington giving an account of a conversation with you upon this subject; that he had consulted the Emperor and the Acting Minister President of State, and had been to Oiso to confer with Marquis Ito (still absent sick), and on that day (yesterday) had already telegraphed at length to his Minister in Washington the conclusion reached. He then kindly read me a copy of the telegram sent, which gave particularly and in full the reasons why the Japanese Government were unwilling to accede to the proposal, and said that because of the very friendly relations of the two countries it was with regret that circumstances were such as, in the opinion of his Government, made it necessary to decline to give a favorable response which otherwise would be given with pleasure. He having said that his Minister in Washington would communicate to the State Department fully the views of the Japanese Government, I deem it unnecessary to enter into particulars in this despatch.

I have [etc.] A. E. BUCK.

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*The Japanese Foreign Office to the Japanese Minister.**

Regarding the proposed acquisition by the United States of a coaling station in Samsah Bay, the Imperial Government would not, were it possible to be guided only by sentiments of good will, experience any difficulty in meeting the wishes of the United States; but there being many reasons of a commanding nature which make undesirable the realization of the project of the United States Government, the Imperial Government cannot but take these reasons into serious consideration, and they confidently believe that the United States Government will not, upon a careful review of the entire situation, fail to perceive that it would be impossible for the Imperial Government to view with indifference the consummation of the proposed step.

In the first place, in view of the fact that the Chinese Government have given to the Imperial Government a self-denying engagement on the non-alienation of any portion of

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* Copy handed to the Secretary of State by the Japanese Minister, December 11, 1900.

ever known. He again pointed out the distinction between Japan's "demands" and "requests" saying that while it was Japan's wish to gain the latter and while she would continue to press them she did not expect to compel compliance by force. He expressed regret at the published report that information as to our objections had been given out at Washington by authority saying that public belief on this point would seriously embarrass the administration here and that for this reason although he had instructed the censors to permit publication of telegrams received by papers here he had authorized the statement that the United States had not fully understood all the propositions submitted to China, had asked for further explanations which had been given and which he expected would be satisfactory, and that no protest against any of Japan's "demands" had been made. Newspapers of last night and this morning contained inspired paragraphs stating that some time ago Washington asked Japan for explanation on a certain ambiguous point but that this was not to be construed as a warning much less a protest and that there is not the slightest truth in the report that the United States has demanded of Japan that she modify her demands. All vernacular newspapers this morning discuss the question on the basis of this inspired statement.

GUTHRIE.

File No. 793.94/264.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, March 22, 1915—6 p. m.

Your telegram of March 18, 2 p. m. Chinese Government today informed of arrival of twelve hundred new Japanese troops along Shantung Railway and six thousand in Manchuria.

REINSCH.

Fuhkien Province, such an acquisition as is proposed by the United States Government would practically be an abrogation of that engagement, to which, for geographical and other reasons, the Imperial Government attach the highest importance; for should the door be once opened to enable one Power to secure territorial advantages in that Province, it would be impossible to prevent others from acquiring similar concessions.

Secondly, having in view Article II of the Anglo-German Agreement†, to which both the United States and Japan have declared their adhesion, the Imperial Government fear that the acquirement by the United States Government of such territorial advantage as is desired would at once bring into force Article III of the same agreement, which is a contingency that cannot be viewed without the gravest apprehensions.

Thirdly, not less serious would be the effect of the proposed step upon the situation at Peking, which is already at the present moment sufficiently delicate.

The Imperial Government harbor no territorial designs upon China; their policy, on the contrary, is directed to the maintenance of her territorial integrity; and they have noted with entire satisfaction the declaration made on several occasions by the Secretary of State that the United States were also anxious to preserve the territorial entity of that Empire. That desired end may be, in the opinion of the Imperial Government, best attained by those Powers which entertain similar views refraining from accepting any advantages which might give other Powers a pretext for territorial demands.

For these reasons, which are suggested with the frankness and sincerity fully justified by the good relations subsisting between the two Governments, the Imperial Government confidently hope that the United States Government will definitely abandon their above-mentioned project.

You are hereby instructed to present to the Secretary of State an answer in the above sense.

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† For. Rel. 1900, pp. 354, 355.

File No. 793.94/266.

AMERICAN LEGATION,
Peking, March 24, 1915—midnight.

At yesterday's conference articles relating to preference in the matter of railways, local loans, and advisers in South Manchuria were initialed; also article providing for recasting of Kirin Railway contract in sense favorable to Japan. Open door in [Opening of ?] seventeen treaty ports was not spoken of but proposal of Chinese to allow residence in interior on condition of special registry, payment of local taxes and submission to police authority with special tribunals for the trial of mixed cases was communicated by Japanese Minister to his Government for instructions. All of this [relates ?] only to South Manchuria, Japanese Minister reserving action on Mongolia for future.

While the character of the negotiations is now less peremptory than hitherto, the Chinese are in doubt whether the Japanese any longer treat diplomatic negotiations seriously or whether burden of action has been shifted to the military side.

The Consul at Tsingtau reports extensive military preparations. Consul General at Mukden reports virtual doubling of Japanese forces in the railway zone. Consul at Antung reports transport of troops under cover of night. Troops at Tsinanfu now sixteen hundred. Ordinary traffic on the Shantung railway stopped in favor of military transport.

On Sunday the Chinese Government asked an explanation of the troop movements but to date no reply has been received.

REINSCH.

File No. 793.94/269.

AMERICAN LEGATION,
Peking, March 25, 1915—midnight.

In continuation of my telegram of March 24, midnight. The meeting today resulted in an agreement to concede to Japan for mining purposes nine specified areas in Manchuria; the questions as to Hanyehping and the right of unrestricted residence in Manchuria were discussed without reaching an agreement.

Japanese Minister said he had been instructed to state in reply to Chinese inquiry that the troops are being sent into China only to relieve those already here although the latter will be retained during the discussion of the demands.

Further increase of troops at Tsinanfu to twenty-five hundred with artillery are reported today; one thousand also stationed at Fangtze near Weihsien.

REINSCH.

File No. 793.94/258.

The Secretary of State to Ambassador Guthrie.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 26, 1915—3 p. m.

Your interview with the Foreign Office and an oral communication from Ambassador Chinda of the same purport, taken together, throw a new light upon part of the situation and furnish an explanation of

some matters which it has been difficult for us to understand. It is evident that the Japanese Government has regarded the suggestion made by Mr. Hay in regard to a naval coaling station as evidence of a continuing desire upon the part of the United States to secure a concession on the coast of Fukien, whereas this Government has no such purpose or desire. This Government regrets that any such apprehensions as are expressed should have been entertained by the Japanese Government, and finds pleasure in relieving their minds on the subject.

You are, therefore, authorized to inform the Government that this Government will view without the slightest objection any arrangement which Japan may make with China looking toward the withholding of any concession to any foreign Power which contemplates the improvement of any harbor on the coast of Fukien or the establishment of a coaling station or naval base along said coast by any foreign Power. Such an agreement entered into between Japan and China, and approved by the United States in an exchange of notes, would put an end to any speculation that may have been indulged, or fears that may have been entertained in regard to this nation's desires or intentions. As Japan's desire to be consulted in regard to concessions granted to Fukien was based upon her wish to prevent the development of any foreign influence on the coast of Fukien we may assume that this fear being removed she will not feel it necessary to insist upon any special advantage in regard to the development of the interior of Fukien. In fact, this is intimated in both your despatch and the communication made by Ambassador Chinda.

If the Japanese Government has any uneasiness as to the development of the interior of Fukien you might inquire whether it would not be advisable to propose that no railroad concession be granted to any foreign Power, with the understanding that the Chinese Government shall, itself, build, own and operate any railroads that may be deemed necessary for the development of Fukien, such railroads, if built with borrowed money, not to be mortgaged or in any way pledged to the creditors.

BRYAN.

File No. 793.94/274.

Minister Reinsch to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Peking, March 30, 1915—5 p. m.

In view of the exaggerated and distorted reports being circulated as to boycott of Japanese goods, I have the honor to report that both the Chinese Government and the local authorities throughout the country are taking severe measures to repress agitation to that end. Popular feeling in consequence of the demands is nevertheless so intense and bitter that many dealers are withholding or canceling orders for goods and refusing to accept payment in Japanese bank notes. Consul General at Shanghai reports that Japanese Consul General states that he feels every possible aid is being rendered by the municipal and Chinese authorities to suppress boycott movement but that trade is being seriously interfered with and the freight offered to Japanese vessels has diminished fifty per cent. Consul General at Mukden reports that in order to avoid any possibility of

untoward incidents the Chinese soldiers are being kept in their barracks. The Chinese police are taking extraordinary repressive precautions including explicit orders to all people to avoid giving offense to the Japanese and to continue business relations with them.

REINSCH.

File No. 793.94/276.

AMERICAN LEGATION,
Peking, March 31, 1915—8 p. m.

The Japanese at the conference held yesterday adopted an attitude of uncompromising exigence, the Minister stating that as the Chinese are now fully aware of the Japanese demands further discussion of the details is unnecessary and China is now expected to make categorical answer and be prepared for the consequences of refusal.

The demands as to the right of residence in the interior of Manchuria in addition to the opening of seventeen treaty ports there, also those concerning Han-yeh-ping and the right of Buddhist propaganda were insisted upon in toto. The Chinese fear injection of political intrigue into the entire Buddhist system of China.

The most serious matter is the insistence of Japan upon the second portion of Han-yeh-ping demand, the effect of which would be to give Japanese interests the right of veto over competitive mining developments in the Yangtze region.

An ultimatum backed by force is momentarily expected.

REINSCH.

File No. 793.94/280.

AMERICAN LEGATION,
Peking, April 2, 1915—3 p. m.

The Chinese yesterday postponed the crisis by yielding to demand that Japanese subjects be allowed to travel, reside, carry on trade and agriculture and lease land in Manchuria, remaining subject only to their national jurisdiction in criminal and civil matters except as to land cases. The Japanese thereupon insisted upon participation in police, which however was not conceded. The right of hospitals and schools to own land in the interior was discussed without result.

Although the Japanese Government is understood to have explained that the demands suppressed in its first communication to the Powers were merely requests I now learn that when that explanation was first reported in the newspapers the Secretary of Japanese Legation called especially at the Foreign Office to state in the Minister's name that his Government recognized no such distinction and particularly would insist upon Group V of the demands equally with the others.

REINSCH.

File No. 793.94/276.

The Secretary of State to Minister Reinsch.

[Telegram—Extract.]

DEPARTMENT OF STATE,
Washington, April 2, 1915—9 p. m.

We are making inquiry in regard to the newspaper reports that the proposal in regard to the Han-yeh-ping Corporation includes provisions which would discriminate against nationals of other countries.

BRYAN.

File No. 793.94/333a.

The Secretary of State to Ambassador Guthrie.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 2, 1915—9 p. m.

The newspapers report that the proposal in regard to Han-yeh-ping Corporation includes a provision which would give to the Japanese interests the right of veto over any competing mining developments in the Yangtse region. Will you please ascertain whether anything is contemplated which would discriminate against the nationals of other countries and if so what territory is understood to be included in the area thus described. In the confidential communication submitted to us the language used is "Agreement in principle to have the Han-yeh-ping Iron and Coal Company become a Chino-Japanese corporation at an appropriate time in the future." There is no suggestion in the memorandum of anything that would discriminate against the nationals of other countries.

BRYAN.

File No. 793.94/344.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 597.] AMERICAN LEGATION,
Peking, April 5, 1915.

SIR: The progress of the negotiations has been reported to the Department in the following telegrams: March 8, 7 p.m.; 12, 7 p.m.; 13, 10 p. m.; 17, 7 p. m.; 22, 6 p. m.; 24, 12 p. m.; 25, 12 p. m.; 31, 8 p. m., and April 2, 3 p. m. I shall therefore confine the present despatch to a few observations on the general nature of the negotiations and on some incidental features.

I. While, as it appears, a distinction was made by the Japanese Government, in conversations with other Governments, between "demands" and "requests," no such differentiation has been observed here. The demands as presented to the Chinese Government on January 18 last (communicated to the Department in connection with my No. 571 of March 6) include those matters which have been subsequently characterized as "requests"; nor has the Japanese Minister in his negotiations with the Chinese Foreign Office ever placed these matters in a different category from the rest of the demands.

II. In official declarations made on behalf of the Japanese Government it has been repeatedly stated that the demands made on China are simply "discussions of outstanding questions." Only in the sense that Japan already has interests in China and that anything she may possibly ask may be considered an extension of her existing influence could the majority of the present demands be considered as at all relating to pending questions. However, as far as their specific substance is concerned, the following are new demands, not in any direct sense concerned in previously pending negotiations:

1. The right of residence and land-ownership in Manchuria.

2. The right of railroad building and loan preference in Manchuria.

3. Exclusive mining rights within large areas.
4. All demands respecting Inner Mongolia.
5. The extensive implications of the articles relating to the Hanyeh-ping Company.
6. The compulsory employment of advisers.
7. The compulsory purchase of military supplies.
8. The joint organization of police.
9. Industrial preference in the Province of Fukien.

The demand with respect to the propagation of Buddhism in China had been discussed from 1903 on between China and Japan on the basis of the most-favored-nation clause. In 1908 the attempt to claim the right under this principle was abandoned by Japan. It is apparent that as far as the most-favored-nation clause goes, it is only the Christian missionaries from Japan who might claim the benefit of its operation; discrimination could be urged only by the Buddhist church; but as this is one of the great religions of China, it is plain that it could not argue discrimination against itself.

III. Among the demands notified to the Powers is one relating to the Hanyehping mines enterprise; it was, however, communicated in a very reduced version, viz:

DEMAND AS MADE UPON CHINA.	DEMAND AS COMMUNICATED BY JAPAN TO THE POWERS.
III.	III.
The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Company have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:	Agreement in principle that, at an opportune moment in future, Hanyehping Company should be placed under the Japanese and Chinese cooperation.
ARTICLE 1.	
The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Company shall be made joint concern of the two nations; and they further agree that without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company nor cause the said company to dispose freely of the same.	
ARTICLE 2.	
The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Company shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which it is apprehended may directly or indirectly affect the interests of the said company, the consent of the said company shall first be obtained.	

It will be seen that all the features that would make this demand inimical to the independence of China and the treaty rights of foreign nations were omitted. Not only is it asked that the Chinese Government shall limit the rights of the Chinese company freely to dispose of its property (Article 1), but the most far-reaching of interference with all mining and allied enterprises without limitation of locality is involved in Article 2. In granting the second article the Chinese Government would give to a company controlled by Japan the right to give or withhold its consent to any enterprise or undertaking which may directly or indirectly affect the interests of the said company; in other words, the company would be made the arbiter of mining development in China.

Only on condition of entirely relinquishing their treaty rights and abdicating all opportunities for sharing on an equal and self-respecting basis in the development of the natural resources of China could the foreign Powers consent to such an arrangement. In conflict with existing treaties, such an arrangement could not be made valid by agreement between Japan and China except with respect to such Powers as may subsequently give their assent thereto.

IV. From the point of view of the sovereignty and independence of China, the dangerous character of the present demands lies in the fact that many of them would not be satisfied through concessions for definite enterprises dealing with a limited area commensurate with the scope of the undertaking; they are such as import a direct interference with the general operations of government and expressions of sovereignty. Such is the case with the demand to allow to a Japanese-controlled company an important voice with respect to industrial enterprises in China; such would be the effect of agreeing to purchase any fixed quantity of military supplies from a foreign Power, as this would involve allowing such Power an insight into the complete military system of China, as well as the right to determine the types of her armament. Other demands affecting China's independence are those relating to residence in the interior without relinquishment of extraterritoriality; the compulsory appointment of advisers; compulsory preference to one nation in certain provinces, and dictation as to what missionary activities are to be permitted in the interior, while extraterritoriality lasts.

The Chinese Government is confronted with a serious dilemma of inviting the hostile attitude of Japan through failure to grant such concessions and, on the other hand, of irretrievably resigning important rights of sovereignty if the concessions are made; the latter alternative would also involve the danger of entirely forfeiting the confidence of the Chinese people, who have been assured that the Government is in this negotiation strongly protecting their interests. It is therefore feared that should Japan succeed in extorting these far-reaching concessions from China, a powerful movement of opposition against the Government which has made such concessions would rise as soon as the facts would become known; thus the Chinese Government finds itself between the dangers of a foreign war and of internal revolution.

V. American residents in China, in common with the British and other Europeans, are greatly apprehensive as to the outcome of the present negotiations. It is believed that the effect upon Japan of

successfully carrying through the present venture and thus imposing her will upon China will not result favorably to the peace of the Far East or of the world, in the immediate or more distant future.

The position of this Legation has not been without difficulty. Considering the feeling of real friendship for America which animates the Chinese people and the expectation connected therewith that the United States would not without protest permit the independent rights of China to be overridden, there has been some difficulty in preserving an attitude of friendliness while carefully avoiding to give an encouragement to the idea that the United States might actively intervene in behalf of China for the sake of friendship and in the cause of international justice. In cases where a discussion of these matters could not be avoided, I have strictly confined myself to the position that, notwithstanding what the demands of Japan and the action of China might turn out to be, American treaty rights here could be affected only with the consent of the American Government, and that, therefore, Americans would expect to continue to participate in the commerce and cultural development of China on an equal and independent basis. During the course of negotiations I have been repeatedly consulted by Chinese officials with respect to various aspects of the problems presented, and I have restricted the expression of my views to a consideration of the legal implications of the questions presented, avoiding anything that might be taken as advice on matters of political action.

I have [etc.]

PAUL S. REINSCH.

File No. 793.94/345.

Minister Reinsch to the Secretary of State.

No. 598.] AMERICAN LEGATION,
Peking, April 5, 1915.

SIR: I have the honor to transmit a copy of a memorandum on the rights of residence in South Manchuria which was handed to the Japanese Minister by the Chinese Minister for Foreign Affairs on April 3. The memorandum is important as indicating the insistence upon the part of Japan upon the full measure of its demands on this topic; the manner in which the Chinese Government has yielded step by step; and the reservation of its complete rights which it is attempting to make with respect to Eastern Inner Mongolia.

I have [etc.]

PAUL S. REINSCH.

[Inclosure.]

MEMORANDUM ON RIGHTS OF RESIDENCE IN SOUTH MANCHURIA, HANDED TO THE JAPANESE MINISTER BY THE MINISTER FOR FOREIGN AFFAIRS ON APRIL 3, 1915.

It is evident that the intention of Articles 2 and 3 in the second group of demands asking for an unhampered right of residence, trade, farming, and ownership of land in South Manchuria and Eastern Inner Mongolia, is to obtain for Japanese subjects in those regions a status beyond the terms of the treaties now existing between the two nations; and to give them a freedom of action which will be a restriction on China's sovereignty and a serious infringement of her administrative rights. Should Japanese subjects be granted the

right of owning land, it means that all the landed property in the aforesaid regions might fall into their hands, thereby endangering China's territorial integrity. Moreover, residence in the inland is incompatible with the existence of extraterritoriality, the relinquishment of which is necessary to the actual enjoyment of the privilege of inland residence, as evidenced in the practice of other nations.

Japan's unconditional demand for the privilege of inland residence, accompanied with a desire to extend extraterritoriality into the interior of China and to enable the Japanese subjects to monopolize all the interests in South Manchuria, is also palpably irreconcilable with the principle of equal opportunity. For this reason the Chinese Government were, in the first instance, unable to accept this demand as a basis of negotiation. Their profound regard for the friendly relations of the two countries, however, persuaded them to exert their utmost efforts, in spite of all the inherent difficulties, to seek a solution of a question which was practically impossible to solve. Knowing that the proposal made by Japan was incompatible with treaties, they nevertheless sought to meet her wishes within the limits of treaties; accordingly they submitted a counterproposal to open more places in South Manchuria to international trade and to establish Sino-Japanese joint reclamation companies.

This suggestion was made in the thought that the places to which Japanese subjects would desire to resort for purposes of trade could not be other than important localities; if all these localities were opened to commerce, then they could go there and reside, trade, and lease land for joint reclamation within any of them. Thus Japanese subjects might enjoy the essence of the privilege of inland residence and would still be able to reconcile their position with China's treaties and the principle of equal opportunity.

After the Japanese Government declined to accept this suggestion, China withdrew it and replaced it with an amendment to the original articles. It was proposed in this amendment to grant to Japanese subjects the extra-treaty privilege of inland residence with the provisos that Japanese subjects in places outside of trade marts should observe Chinese police regulations and pay taxes in the same manner as Chinese, and that civil and criminal cases of such Japanese subjects should be adjudicated by Chinese authorities, the Japanese Consul attending merely to watch the proceedings. This suggestion was not an innovation; it was based upon the modus operandi now in force as regards the Korean settlers in inland districts of Chientao. But the Japanese Government again declined to accept it.

The Chinese Government thereupon made a third proposal along the lines of what constitutes the present practice in Turkey and Siam, making a distinction, however, in favor of Japanese subjects, in the exercise of jurisdiction over civil and criminal cases. This was once more objected to by the Japanese Government.

Now the Chinese Government proposes to concede another step—the fourth time. They propose to agree to the full text of Articles 2 and 3 relative to the question of inland residence, except that "the right of owning land" is changed into "the right of leasing land", and to the phrase "cultivating land" is added this clause: "the regulations for which shall be determined separately"; and, further, to add a supplementary article which embodies a modus operandi which the Chinese Government has constrained itself to make, out of a desire to come to a settlement over this question. The view advanced in this supplementary article is based upon your excellency's declaration made on March 6, 1915, that a separate article embodying some compromise might be added to the original Articles 2 and 3 for the purpose of avoiding any conflict with China's sovereignty or the system established by treaties.

Since China now agrees to Articles 2 and 3; since there already exists a harmony of views on the question of observing Chinese police regulations and paying taxes; since as regards the question of jurisdiction criminal cases are to be dealt with as heretofore and civil cases in a slightly different way from what prevails now—since this is a concession which the Chinese Government feels unable to improve upon, they request your excellency to be so good as to inform your Government of its nature and extent and invite them to agree thereto, to the end that this question may be brought to a conclusion.

As regards Eastern Inner Mongolia, there is altogether a different state of things there, quite different from what exists in South Manchuria. I have stated on several occasions that these two regions could not be discussed together, and I am glad to recall that your excellency has already given your endorsement of my views.

File No. 793.94/284.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, April 5, 1915, 8 p. m.

I beg to submit that to grant to any foreign-controlled company the right to be consulted concerning the working of mines in the neighborhood or other enterprises which might directly or indirectly affect the interests of said company, would be to abdicate the freedom [of] industrial development as well as to deny the treaty rights of other nationals. Even aside from its broader implications the proposal is tantamount to a demand for a monopoly of mineral production and manufacture in at least the upper portion of the Yangtze valley and it is so considered among residents in China of all nationalities. The indefiniteness of its scope constitutes the dangerousness of this demand and I would suggest the desirability of insisting in this connection upon the principle that only concessions for specific enterprises operating over a definitely delimited area commensurate with the scope of the undertaking are within the purview of treaties guaranteeing equal commercial and industrial opportunities.

File No. 793.94/286.

AMERICAN LEGATION,
Peking, April 7, 1915—10 p. m.

At yesterday's meeting the Japanese continued to discuss the details of the demand relating to residence in Manchuria.

Group V was again discussed and the demand concerning purchase of one-half of all war materials from Japan insisted upon.

Fukien demand was taken up for the first time and urged by the Japanese Minister in a strikingly peremptory manner and at times with a show of excitement. He stated that apprehensions as to the intentions of a certain Power (understood by China to refer to America) compelled Japan to insist on a declaration that the Chinese would finance developments in Fukien herself and especially would not make any contract with nationals of another nation for the construction of harbors and dockyards. He declared that the certain Power was ready to accept this view.

REINSCH.

File No. 793.94/286.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington April 9, 1915—5 p. m.

Your telegram April 7, 10 p. m. Japanese Ambassador informs me that his Government may desire to communicate to the Chinese Government contents of our note stating that this Government would have no objection to an agreement between China and Japan that no foreign Power should be permitted to establish a naval base or coal-

ing station on the coast of Fukien.[43] It is not certain that Japan will desire to communicate this but if it is communicated by the Japanese Government and the Chinese Government asks you for confirmation of it you are hereby authorized to confirm it by the despatch [instruction] which you received at the time. This relates not to the interior of Fukien but to the sea coast.

BRYAN.

File No. 793.94/288.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, April 9, 1915—8 p. m.

At yesterday's meeting residence in Manchuria was further discussed. China holding that taxes and police regulations should apply equally to Japan, Japanese residents and Chinese citizens, while the Japanese demanded the right of veto in these matters.

Passing to Group V, Japanese Minister presented a paper containing an additional demand in Fukien namely the concession of coal mines at Anki. The Minister for Foreign Affairs refused to receive this document stating that his Government could not enter upon a discussion of any demands in Group V or in extension thereof as they were inconsistent with national independence and treaty obligations. * * * Japanese Minister withdrew the paper and declared that he could only report the attitude of the Chinese Government to his own.

REINSCH.

File No. 793.94/289.

Ambassador Guthrie to the Secretary of State.

[Telegram—Extract.]

AMERICAN EMBASSY.
Tokyo, April 10, 1915—1 p. m.

In a recent interview with me the Japanese Minister for Foreign Affairs referred to the fact that if Japan's demands for residential privileges were granted, the same privileges would inure to American citizens under our treaty.

GUTHRIE.

File No. 793.94/293.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, April 12, 1915—8 p. m.

At Saturday's conference the Chinese endeavored to secure a definite acceptance of concessions which they have made in regard to Manchuria but the Japanese Minister stated that he had not yet received instructions authorizing him to make final settlement. He

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[43] Instruction of March 26, 3 p. m.

then attempted to discuss Articles 4, 5, and 6 of Group V. The Minister for Foreign Affairs insisted that he could not consider these demands in principle since they conflict with China's sovereignty and treaty obligations. The Japanese Minister thereupon stated that he could not see the force of these arguments in view of what the Chinese had already found it possible to grant in Manchuria.

REINSCH.

File No. 793.94/295.

AMERICAN LEGATION,
Peking, April 17, 1915—2 p. m.

At the meeting on the 13th instant the Chinese pressed for an answer to their proposals concerning Manchuria and were informed that the Japanese Government insisted upon the right to participate in making the agricultural tax and police regulations affecting Japanese residents.

In regard to Japan's demands for railway grants in the fifth group the Minister for Foreign Affairs stated that those demands conflicted with grants already made to British interests; whereupon Japanese Minister replied that China had displayed a spirit of unfriendliness in thus granting to Great Britain lines which Japan had asked for, and said that it is desirable that the Chinese Government should give concessions asked by Japan and leave it to the latter to adjust with Great Britain any conflict between their claims.

At the meeting yesterday Japanese Minister demanded that the rights which the Chinese Government has offered to grant in respect to Manchuria should be extended to Eastern Mongolia. The Minister for Foreign Affairs declined to assimilate the two cases saying that at most his Government might consent to open certain additional treaty ports in Mongolia. After refusing to yield to further insistence the Minister for Foreign Affairs stated that he might find it possible to consider this demand on condition that the Japanese should wholly abandon the demands under Group V although he refused to commit himself in advance as to the concessions which his Government will in that case be prepared to make in Mongolia. Japanese Minister said he would refer the matter to his Government for instructions.

REINSCH.

File No. 793.94/308.

AMERICAN LEGATION,
Peking, April 23, 1915—7 p. m.

At the conference of April 19 no progress was made as the Japanese withheld agreement on Manchuria and the Chinese refused to commit themselves on Group V or make further concessions respecting the Hanyehping Company.

As the negotiations had thus come to a deadlock it was necessary for the Japanese Government to decide whether to accept the liberal concessions made by China or to attempt to create a new basis of action. As both of the conferences were prorogued at the request of Japan it is evident that an important decision is impending based upon the situation here and taking into account the attitude of the Powers.

REINSCH.

File No. 793.94/317.

AMERICAN LEGATION,
Peking, April 27, 1915—8 p. m.

At the conference yesterday Japanese Minister communicated the revised demands.

The demands respecting Manchuria and Shantung are unchanged.

In Eastern Mongolia, Japan asks railway and loan preference, opening of treaty ports and admission to agricultural and industrial enterprises in partnership with Chinese.

With respect to Hanyehping Company, Japan insists that the present shareholders be coerced into forming joint company with Japan, but Section 2 of the article is dropped.

Group V is formally withdrawn but the demand is made that matters contained therein shall be separately dealt with in a note to Japan with the exception of Articles 3 and 7 which are postponed. Numerous Japanese advisers are to be engaged whenever any important situation may arise; Article 2 is unchanged; a delegation of Chinese military officials is to visit Japan and arrange with Japanese military authorities regarding the purchase of war supplies and the conduct of arsenals; the railways asked for are to be granted in so far as not already actually contracted for with Great Britain; in Fukien, no foreign Power is to establish a naval base, nor is China to borrow capital "of any other Power" for this purpose. The latter phrase embodied in the note to Japan would of course leave that Power free to act while excluding others.

The so-called withdrawal of Group V is therefore a mere form, leaving the substance of the demands unaffected.

Japan then offers to return Tsingtau on condition that it be an open port without a Chinese military station; that there be set aside a Japanese and an international settlement; and that the disposal of German public property in Tsingtau be settled by a subsequent conference between China and Japan. From the latter condition the Chinese surmise that the Japanese plan retaining the German forts and barracks as a part of the Japanese settlement.

The return of Tsingtau upon such conditions and with Japan entrenched in the hinterland through ownership of railways and mines and through general industrial preference is not considered by the Chinese as an advantage of more than merely formal value.

REINSCH.

File No. 793.94/318.

Chargé Wheeler to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokyo, April 28, 1915—2 p. m.

Director of Political Affairs in the Foreign Office informs me that the greater portion of the demands on China have been substantially agreed upon; that China has agreed in principle to ground tenure and residence in Manchuria, though the form of the agreement is still under discussion; and that the only serious question still unsettled is that of Eastern Mongolia. He says that while China so far has flatly refused to discuss the latter question, Japan is very determined, and

that if China insists upon retaining this attitude the situation may yet become serious. He does not, however, anticipate open trouble.

He says that Japan still insists upon her demand as to munitions of war but that the question whether China shall buy of her, or whether jointly managed arsenals shall be established in China, will probably be left for future consideration. He says the question of the Han-yeh-ping mines "promises to be settled" by the agreement of China to recognize Japan's joint interest in and management of the mines in the future; that an understanding has been arrived at in the matter of Japanese advisers; and that agreement as to Fukien has been practically reached though its form has been left entirely to the discretion of Mr. Hioki. He says also that the question of railroad concessions south of the Yangtze must await settlement, in conference with the Powers interested, after the war; and that Japan has virtually decided if necessary to abandon the demand concerning joint policing. He reiterated that Japan, throughout all the negotiations, had most carefully avoided a conflict with the principle of equal opportunity.

The local press has been very generally denouncing Baron Kato's methods of negotiation and it is expected that the opposition will make a severe [interpellation?] upon the Government at the special session of the Diet to be convened on May 17.

WHEELER.

File No. 793.94/551.

The Japanese Embassy to the Department of State.[44]

1. The proposals concerning the Province of Shantung have been agreed with some modification.

2. Several points concerning South Manchuria have been agreed. The question of residence and land tenure still remaining unsettled, the Imperial Government now make the following propositions:—

a. Japanese subjects shall be permitted in the region of South Manchuria to lease or buy land necessary either for erecting buildings of various kinds for commercial and industrial uses or for agricultural purposes.

b. Japanese subjects shall have liberty to enter, travel and reside in the region of South Manchuria and carry on their business of various kinds, commercial, industrial and otherwise.

c. Referring to the preceding two provisions, Japanese subjects shall produce before Chinese local authorities passports duly issued and be registered by the said authorities. They shall also observe Chinese police laws or regulations approved by the Japanese consuls and pay to Chinese authorities taxes approved by the Japanese consuls.

In civil and criminal suits, the Japanese consul, where a Japanese subject is the defendant and the Chinese official, where a Chinese citizen is the defendant, shall respectively try and decide the case, both the Japanese consul and the Chinese official being permitted each to send his authorized agent to attend trial of the

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[44] An undated memorandum handed to the Secretary of State by the Japanese Ambassador April 30, 1915.

other and watch proceedings, provided that, in a civil suit concerning land between Japanese and Chinese, the case shall be examined and decided jointly by the Japanese consul and the Chinese official according to the laws and local customs of China; further, that in the future when the judicial system in the said region shall have been completely reformed, all civil and criminal suits involving Japanese subjects shall be wholly tried and decided by Chinese courts.

3. As regards Eastern Inner Mongolia, the Chinese Government are asked:—

First. To permit joint enterprises of Japanese and Chinese in agriculture and auxiliary industries;

Second. To consult Japan first in case China contemplates contracting either railway loans or loans to be secured by the taxes.

Third. To increase the number of open marts.

4. As regards the Han-yeh-p'ing Company, the Chinese Government shall engage:—

a. To approve agreement that may be concluded in future between the company and Japanese capitalist for its joint undertaking;

b. Not to confiscate it;

c. Not to nationalize it without consent of the interested Japanese capitalist;

d. Not to permit it to contract any foreign loan other than Japanese.

5. Non-alienation of the Chinese coast. The Imperial Government will be satisfied with declaration as suggested by the Chinese Government.

6. As to the other points, the following to be kept on record:—

a. That the Chinese Government will, in case of necessity in future, employ Japanese advisers.

b. That, in case Japanese subjects desire to lease or purchase land for the purpose of building schools and hospitals in the interior, the Chinese Government will permit them to do so.

c. That the Chinese Government will some day in the future send their military officers to Japan in order to make arrangements directly with Japanese military authorities either for the purpose of purchasing arms from Japan or for establishing arsenal in China under Japanese and Chinese management.

d. That the Chinese Government will grant to Japan the desired railway concessions in South China in case it becomes clear that there is no objection in this respect on the part of any other Power; or that the Chinese Government will refrain from entering into any agreement with any other party concerning the railway lines in question until Japan may, independently of the present negotiations with China, reach an agreement with the party whose interests are, in the opinion of the Chinese Government, opposed to the proposed lines.

e. That the question of the freedom of preaching by Japanese missionaries is left for future discussion.

The original proposal for joint administration of police is withdrawn.

As to Fukien Province, the Chinese Government engage in some form that they will not grant to any other Power the right to build shipyard, coaling or naval station or any other military establishment on or along the coast of Fukien Province, and, further, that the Chinese Government will not allow any such establishment to be built with any foreign capital on the coast of the said Province.

The above are the proposals which the Imperial Government have made in order to arrive at an early conclusion of the pending negotiations. If the Chinese Government accept them, the Imperial Government will, of their own accord, announce to the Chinese Government the restoration of Kiaochou to China, in the event of its being left at the free disposal of Japan as a result of treaty of peace, subject to certain conditions of which principal ones are as follows:

1. The opening of Tsingtao as a commercial port;
2. Establishment of Japanese concession in the locality to be designated by Japan;
3. Establishment, if requested by the Powers, of an international settlement;
4. Arrangement to be made between the Japanese and the Chinese Governments regarding the disposal of German public structures and properties.

File No. 793.94/326.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, May 3, 1915—4 p. m.

After the fullest consideration by the President and Cabinet, the Minister for Foreign Affairs on May 1 handed to Japanese Minister the reply to the revised demands.

The Chinese note disputes the charges of procrastination and insincerity made by Japan.

In connection with Shantung Group, all is granted with the counter-proposal regarding Article 1 asking participation in international conference for arrangement of altered status of Shantung, indemnification for losses consequent upon Tsingtau campaign and restoration of status quo ante bellum.

All Manchurian demands are met, with sole reservation that land cases be tried in Chinese court with Japanese assessor.

Three out of four Mongolian demands are accorded; namely, treaty ports, preference in railway loans, and engagement not to pledge local revenues. Demand for agricultural and industrial enterprises is rejected.

The last version of Hanyehping demand is accepted; namely, that Chinese Government will undertake not to make the company a Government-owned concern or allow the indebtedness to Japan to be paid off through foreign loans.

The Chinese Government again declared its inability to consider Group V but is ready to make a separate exchange of notes regarding non-alienation or mortgaging of Fukien harbors and naval stations.

When Japanese Minister queried regarding railway concessions the Minister for Foreign Affairs stated that national good faith prevented the Chinese Government from discussing this demand with Japan.

Minister for Foreign Affairs answered in the affirmative the question of the Japanese Minister whether these concessions were to be considered a maximum and whether he could inform his Government to that effect.

The Minister for Foreign Affairs also informed Japanese Minister that his Government, having gone to the utmost extent in a desire to prove its friendship for Japan by substantial concessions, would be compelled to place the whole situation before the Treaty Powers should Japan apply further pressure.

REINSCH.

File No. 793.94/375.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 614.] AMERICAN LEGATION,
Peking, May 4, 1915.

SIR: In connection with other reports as to the negotiations on the subject of the demands made upon China by Japan, and the conditions created in various parts of China by the political crisis thus induced, I have the honor to transmit herewith copies of certain documents.

The first of these documents is an extract (in translation) from the remarks with which the Japanese Minister accompanied the presentation of the demands to the President on January 18th last: it has been given to me from an authoritative source as an excerpt from the shorthand record made at the time of the interview, and may therefore be accepted as accurate.

The second enclosure is a translation of a memorandum in which the Japanese "Black Dragon Society" advocated a policy for the "solution of the Chinese question." This very able and illuminating memorandum could scarcely be the invention of a Chinese secret agent; nor is it likely that it could be a fabrication by any Chinese official, who in drafting such a forgery ex post facto would surely have sought to give it the greater plausibility by making its anticipations correspond more closely with the facts which have attended the presentation and insistence upon the demands. It would therefore seem that this paper may be accepted as what it professes to be—an expression of views by a Japanese political group interested in Chinese questions.

The policy recommended in the memorandum envolves the following points: (1) To take advantage of China's present weakness and the preoccupation of the Powers, in order to enforce the Japanese programme; (2) to incite revolution as a means of disposing of the present Chinese administration; (3) to substitute a monarchical form of Government, patterned on the Japanese; (4) to form a defensive alliance with the Government so established, with certain special privileges in favor of Japan, and notably with certain provisions for protection and control which would constitute China a protectorate of Japan.

The action which has in fact been taken by Japan has corresponded with the first of these points.

The second of the points has formed the subject of direct threats by the Japanese Minister to the President and to the Chinese negotiators. The majority of the terms of the "defensive alliance" contemplated by the memorandum (referred to in the fourth point above) are included either in substance or in detail among the twenty-one demands which have actually been urged upon the Chinese Government. It is therefore not surprising, although the event may happily prove it unwarranted, that the highest and most responsible of Chinese officials accept as a working hypothesis the assumption that the aims and certain of the methods advocated in this memorandum have been "adopted in general by the Japanese," including those points which would make this country a dependency of Japan under a titular monarchy. * * *

In conclusion, I beg to reiterate the reserves with which I submit these documents. They are, in varying degrees, of doubtful authenticity; but I think that none of them is to be absolutely rejected from consideration, whereas some of them appear by internal evidence to justify their acceptance as of substantial accuracy.

I have [etc.]

PAUL S. REINSCH.

[Inclosure 1—Translation.]

Part of the conversation during the interview on January 18, 1915, between the Japanese Minister, Dr. Hioki, and President Yuan Shih-kai.

Furthermore, the Chinese revolutionists are in close touch and intimate relations with numerous irresponsible Japanese some of whom have great influence and whose policy is for strong measures. Our Government has not been influenced by this policy, but if your Government does not quickly agree to these stipulations, it will be impossible to prevent some of our irresponsible people from inciting the Chinese revolutionists to create trouble in China.

The majority of the Japanese people are also opposed to President Yuan and President Yuan's Government. They all declare that the President entertains anti-Japanese feeling and adopts the policy of "befriending the Far (Europe and America) and antagonizing the Near (Japan)." Japanese public opinion is therefore exceedingly hostile.

Our Government has all along from first to last exerted its best efforts to help the Chinese Government, and if the Chinese Government will speedily agree to these stipulations it will have thus manifested its friendship for Japan.

The Japanese people will then be able to say that the President never entertained anti-Japanese feelings nor adopted the policy of "befriending the Far and antagonizing the Near." Will not this then indeed be a bona fide proof of our friendly relations?

The Japanese Government also will then be inclined to render assistance to President Yuan's Government whenever it is necessary.

[Inclosure 2—Translation.]

The policy advocated by the Japanese Hei Lung or Black Dragon Society in regard to the Solution of the Chinese Question, this society having been so called on account of the members having studied the situation in the Hei Lung Kiang Province in Manchuria.

I. THE EUROPEAN WAR AND THE CHINESE QUESTON.

The present gigantic struggle in Europe has no parallel in history. Not only will the equilibrium of Europe be affected and its effect felt all over the

globe, but its results will create in the political and social world a new era. Therefore, whether or not the Imperial Japanese Government can settle the Far Eastern Question and bring to realization our great Imperial policy depends on our being able skillfully to avail ourselves of the world's general trend of affairs so as to extend our influence and decide upon a course of action towards China which shall be practical in execution. If our authorities and people view the present European war with indifference and without deep concern, merely devoting their attention to the attack on Kiaochow, neglecting the larger issues of the war, they will have brought to naught our great Imperial policy and committed a blunder greater than which cannot be conceived We are constrained to submit this statement of policy for the consideration of our authorities, not because we are fond of argument but because we are deeply anxious for our national welfare.

No one at present can foretell the outcome of the European war. If the Allies meet with reverses and victory should crown the arms of the Germans and Austrians, German militarism will undoubtedly dominate the European continent and extend southward and eastward to other parts of the world. Should such a state of affairs happen to take place, the consequences resulting therefrom will be great indeed and extensive. On this account we must devote our most serious attention to the subject. If on the other hand, the Germans and Austrians should be crushed by the Allies, Germany will be deprived of her present status as a Federated State under a Kaiser. The Federation will be disintegrated into separate states, and Prussia will have to be content with the status of a second-rate power. Austria and Hungary, on account of this defeat, will consequently be divided. What their final fate shall be, no one would now venture to predict. In the meantime Russia will annex Galicia and Austrian Poland; France will repossess Alsace and Lorraine; Great Britain will occupy the German colonies in Africa and the South Pacific; Servia and Montenegro will take Bosnia, Herzegovina and a certain portion of Austrian territory; thus making such great changes in the map of Europe that even the Napoleonic war in 1815 could not parallel.

When these events take place, not only will Europe experience great changes, but we should not ignore the fact that they will occur also in China and the South Pacific. After Russia has replaced Germany in the territories lost by Germany and Austria, she will hold a controlling influence in Europe and for a long time to come will have nothing to fear from her western frontier. Immediately after the war she will make an effort to carry out her policy of expansion in the East and will not relax that effort until she has acquired a controlling influence in China. At the same time Great Britain will strengthen her position in the Yangtze Valley and prohibit any other country from getting a footing there. France will do likewise in Yunnan Province using it as her base of operations for further encroachments upon China and will never hesitate to extend her advantages.

We must therefore seriously study the situation, remembering always that the combined action of Great Britain, Russia and France will not only affect Europe but we can even foresee that it will also affect China.

Whether this combined action on the part of England, France and Russia is to terminate at the end of the war or to continue to operate, we cannot now predict. But after peace in Europe is restored, these Powers will certainly turn their attention to the expansion of their several spheres of interest in China, and, in the adjustment, their interests will most likely conflict with one another. If their interests do not conflict, they will work jointly to solve the Chinese Question. On this point we have not the least doubt.

If England, France and Russia are actually to combine for the coercion of China, what course is to be adopted by the Imperial Japanese Government to meet the situation? What proper means shall we employ to maintain our influence and extend our interests within this ring of rivalry and competition? It is necessary that we bear in mind the final results of the European war and forestall the trend of events succeeding it so as to be able to decide upon a policy towards China and determine the action ultimately to be taken. If we remain passive, the Imperial Japanese Government's policy towards China will lose that subjective influence and our diplomacy will be checked forever by the combined force of the other Powers. The peace of the Far East will be thus endangered and even the existence of the Japanese Empire as a nation will no doubt be imperiled.

It is therefore our first important duty at this moment to inquire of our Government what course is to be adopted to face the general situation after

the war, what preparations are being made to meet the combined pressure of the Allies upon China. When the European war is terminated and peace restored we are not concerned so much with the question whether it is to be the Dual Monarchies or the Triple Entente which emerge victorious, but whether, in anticipation of the future expansion of European influence in the continents of Europe and Asia, the Imperial Japanese Government should or should not hesitate to employ force to check the movement before its occurrence. Now is the most opportune moment for Japan quickly to solve the Chinese Question. Such an opportunity will not occur for hundreds of years to come. Not only is it Japan's divine duty to act now, but present conditions in China favour the execution of such a plan. We should by all means decide and act at once. If our authorities do not avail themselves of this rare opportunity, great difficulty will surely be encountered in future in the settlement of the Chinese Question. Japan will be isolated from the European Powers after the war and will be regarded by them with envy and jealousy, just as Germany is now regarded. Is it not, then, a vital necessity for Japan to solve at this very moment the Chinese Question?

II. THE CHINESE QUESTION AND A DEFENSIVE ALLIANCE.

It is a very important matter of policy whether the Japanese Government, in obedience to its divine mission, shall solve the Chinese Question in a heroic manner by making China voluntarily rely upon Japan or by forcing her to a position where she is obliged to rely upon Japan. To force China to such a position there is nothing else for the Imperial Japanese Government to do but to take advantage of the present opportunity to seize the reins of political and financial power and to enter by all means into a defensive alliance with her under secret terms as enumerated below:

SECRET TERMS FOR A DEFENSIVE ALLIANCE.

The Imperial Japanese Government, with due respect for the sovereignty and integrity of China and with the object and hope of maintaining the peace of the Far East, undertakes to share the responsibility of cooperating with China to guard her against internal trouble and foreign invasion; and China shall accord Japan special facilities in the matter of China's national defence, or the protection of Japan's special rights and privileges; and for these objects the following treaty of alliance is entered into between the two contracting parties:

1. When there is internal trouble in China or when she is at war with another nation or nations, Japan shall send her army to render assistance, to assume the responsibility of guarding Chinese territory and to maintain peace and order in China.
2. China agrees to recognize Japan's privileged position in South Manchuria and Inner Mongolia and to cede the sovereign rights of those regions to Japan to enable her to carry out a scheme of local defence on a permanent basis.
3. After the Japanese occupation of Kiaochow, Japan shall acquire all the rights and privileges hitherto enjoyed by the Germans in regard to railways, mines and all other interests; and after peace and order is restored in Tsingtao, the place shall be handed back to China to be opened as an international treaty port.
4. For the maritime defence of China and Japan, China shall lease strategic harbors along the coast of the Fukien Province to Japan to be converted into naval bases, and grant to Japan in the said province all railway and mining rights.
5. For the reorganization of the Chinese army China shall entrust the training and drilling of the army to Japan.
6. For the unification of China's arms and munitions of war, China shall adopt arms of Japanese pattern and at the same time establish arsenals by the help of Japan in different strategic points.
7. With the object of creating and maintaining a Chinese navy, China shall entrust the training of her navy to Japan.
8. With the object of reorganizing her finances and improving the methods of taxation, China shall entrust the work to Japan and the latter shall select competent finincial experts who shall act as first-class advisers to the Chinese Government.
9. China shall engage Japanese educational experts as educational advisers and extensively establish schools in different parts of the country to teach Japanese so as to raise the educational standard of the country.
10. China shall first consult with and obtain the consent of Japan before she can enter into an agreement with another Power for making loans, the leasing of territory, or the cession of the same.

From the date of the signing of this defensive alliance, Japan and China shall work together hand-in-hand. Japan will assume the responsibility of safeguarding Chinese territory and maintaining peace and order in China. This will relieve China of all future anxieties and enable her to proceed energetically with her reforms, and, with a sense of territorial security, she may wait for

her national development and regeneration. Even after the present European war is over and peace is restored, China will absolutely have nothing to fear in the future of having pressure brought against her by foreign Powers. It is only thus that permanent peace can be secured in the Far East.

But before concluding this defensive alliance, two points must first be ascertained and settled. (1) Its bearing on the Chinese Government. (2) Its bearing on those Powers having intimate relations with and great interests in China.

In considering its effect on the Chinese Government, Japan must try to foresee whether the position of China's present ruler, Yuan Shih Kai, shall be permanent or not; whether the present Government's policy will enjoy the confidence of a large section of the Chinese people; whether Yuan Shih Kai will readily agree to the Japanese Government's proposal to enter into a treaty of alliance with us. These are points to which we are bound to give thorough consideration. Judging by the attitude hitherto adopted by Yuan Shih Kai, we know he has always resorted to the policy of expediency in his diplomatic dealings, and although he may now outwardly show a friendliness towards us, he will in fact rely upon the influence of the different Powers as the easiest check against us and refuse to accede to our demands. Take, for a single instance, his conduct towards us since the Imperial Government declared war against Germany and his action will then be clear to all. Whether we can rely upon the ordinary friendly methods of diplomacy to gain our object or not it does not require much wisdom to decide. After the gigantic struggle in Europe is over, leaving aside America, which will not press for advantages, China will not be able to obtain any loans from the other Powers. With a depleted treasury, without means to pay the officials and the army, with local bandits inciting the poverty-stricken populace to trouble, with the revolutionists waiting for opportunities to rise, should an insurrection actually occur while no outside assistance can be rendered to quell it, we are certain it will be impossible for Yuan Shih Kai, single handed, to restore order and consolidate the country. The result will be that the nation will be cut up into many parts beyond all hope of remedy. That this state of affairs will come is not difficult to foresee.

When this occurs, shall we uphold Yuan's Government and assist him to suppress the internal insurrection with the certain assurance that we could influence him to agree to our demands, or shall we help the revolutionists to achieve success and realize our object through them? This question must be definitely decided upon this very moment so that we may put it into practical execution. If we do not look into the future fate of China but go blindly to uphold Yuan's Government, to enter into a defensive alliance with China, hoping thus to secure a complete realization of our object by assisting him to suppress the revolutionists, is obviously a wrong policy. Why? Because the majority of the Chinese people have lost all faith in the tottering Yuan Shih Kai who is discredited and attacked by the whole nation for having sold his country. If Japan gives Yuan support, his Government, though in a very precarious state, may possibly avoid destruction. Yuan Shih Kai belongs to that school of politicians who are fond of employing craftiness and cunning. He may be friendly to us for a time, but he will certainly abandon us and again befriend the other Powers when the European war is at an end. Judging by his past we have no doubt as to what he will do in the future. For Japan to ignore the general sentiment of the Chinese people and support Yuan Shih Kai with the hope that we can settle with him the Chinese Question, is a blunder indeed. Therefore in order to secure the permanent peace of the Far East, instead of supporting a Chinese Government which can neither be long continued in power nor assist in the attainment of our object, we should rather support the 400,000,000 Chinese people to renovate their corrupt Government, change its present form, maintain peace and order in the land and usher into China a new era of prosperity so that China and Japan may in fact as well as in name be brought into the most intimate and vital relations with each other. China's era of prosperity is based on Chino-Japanese alliance and this alliance is the fundamental power for repelling the foreign aggression that is to be directed against the Far East at the conclusion of the European war. This alliance is also the foundation stone of the peace of the world. Japan should therefore take this as the last warning and immediately solve this question. Since the Imperial Japanese Government has considered it imperative to support the Chinese people, we should induce the Chinese Revolutionists, the Imperialists and other Chinese malcontents to create trouble all over China. The whole country will be thrown into disorder and Yuan's Government will consequently

be overthrown. We shall then select a man from amongst the most influential and most noted of the 400,000,000 of Chinese and help him to organize a new form of government and consolidate the whole country. In the meantime our army must assist in the restoration of peace and order in the country, and in the protection of the lives and properties of the people, so that they may gladly tender their allegiance to the new government which will then naturally confide in and rely upon Japan. It is after the accomplishment of only these things that we shall without difficulty gain our object by the conclusion of a defensive alliance with China. For us to incite the Chinese revolutionists and malcontents to rise in China we consider the present to be the most opportune moment. The reason why these men can not now carry on an active campaign is because they are insufficiently provided with funds. If the Imperial Government can take advantage of this fact to make them a loan and instruct them to rise simultaneously, great commotion and disorder will surely prevail all over China. We can then intervene and easily adjust matters.

The progress of the European war warns Japan with greater urgency of the imperative necessity of solving this most vital of questions. The Imperial Government cannot be considered as embarking on a rash project. This opportunity will not repeat itself for our benefit. We must avail ourselves of this chance and under no circumstances hesitate. Why should we wait for the spontaneous uprising of the revolutionists and malcontents? Why should we not think out and lay down a plan beforehand?

When we examine into the form of Government in China, we must ask whether the existing Republic is well suited to the national temperament and well adapted to the thoughts and aspirations of the Chinese people. From the time the Republic of China was established up to the present moment, if what it has passed through is to be compared to what it ought to be in the matter of administration and unification, we find disappointment everywhere. Even the revolutionists themselves, the very ones who first advocated the republican form of government, acknowledge that they have made a mistake. The retention of the republican form of government in China will be a great future obstacle in the way of a Chino-Japanese alliance. And why must it be so? Because, in a republic, the fundamental principles of government as well as the social and moral aims of the people are distinctly different from that of a constitutional monarchy. Their laws and administration also conflict. If Japan act as a guide to China and China model herself after Japan, it will only then be possible for the two nations to solve by mutual effort the Far East Question without differences and disagreements. Therefore to start from the foundation for the purpose of reconstructing the Chinese Government, of establishing a Chino-Japanese alliance, of maintaining the permanent peace of the Far East and of realizing the consummation of Japan's Imperial policy, we must take advantage of the present opportunity to alter China's republican form of Government into a constitutional monarchy which shall necessarily be identical, in all its details, with the constitutional monarchy of Japan and with no other. This is really the key and first principle to be held firmly for the actual reconstruction of the form of Government in China.

If China changes her republican form of government to that of a constitutional monarchy, shall we, in the selection of a new ruler, restore the Emperor Hsuan T'ung to his throne, or choose the most capable man from the Monarchists, or select the most worthy member from among the Revolutionists? We think, however, that it is advisable at present to leave this question to the exigency of the future when the matter is brought up for decision. But we must not lose sight of the fact that to actually put into execution this policy of a Chino-Japanese alliance and the transformation of the Republic of China into a constitutional monarchy is, in reality, the fundament principle to be adopted for the reconstruction of China.

THE BEARING OF A DEFENSIVE ALLIANCE ON OTHER POWERS.

We shall now consider the bearing of this defensive alliance on the Powers. Needless to say, Japan and China will in no way impair the rights and interests already acquired by the Powers. At this moment it is of paramount importance for Japan to come to a special understanding with Russia to define our respective spheres of influence in Manchuria and Mongolia so that the two countries may cooperate with each other in the future. This means that Japan, after the acquisition of sovereign rights in South Manchuria and Innner Mongolia, will

work together with Russia, after her acquisition of sovereign rights in North Manchuria and Outer Mongolia, to maintain the status quo, and endeavor by every effort to protect the peace of the Far East. Russia, since the outbreak of the European war, has not only laid aside all ill feelings against Japan, but has adopted the same attitude as her allies and shown warm friendship for us. No matter how we regard the Manchurian and Mongolian questions in the future, she is anxious that we find some way of settlement. Therefore we need not doubt that Russia, in her attitude towards this Chinese Question, will be able to come to an understanding with us for mutual cooperation.

The British sphere of influence and interest in China is centered in Tibet and the Yangtze Valley. Therefore if Japan can come to some satisfactory arrangement with China in regard to Tibet and also give certain privileges to Great Britain in the Yangtze Valley, with an assurance to protect those privileges, no matter how powerful Great Britain might be she will surely not oppose Japan's policy in regard to this Chinese Question. While this present European war is going on, Great Britain has even asked Japan to render her assistance. That her strength will certainly not enable her to oppose us in the future need not be doubted in the least.

Since Great Britain and Russia will not oppose Japan's policy towards China, it can readily be seen what attitude France will adopt in regard to the subject.

What Japan must now somewhat reckon with is America. But America in her attitude towards us regarding our policy towards China has already declared the principle of maintaining China's territorial integrity and equal opportunity and will be satisfied if we do not impair America's already acquired rights and privileges. We think America will also have no cause for complaint. Nevertheless America has in the East a naval force which can fairly be relied upon, though not sufficiently strong to be feared. Therefore in Japan's attitude towards America there is nothing really for us to be afraid of.

Since China's condition is such on the one hand and the Powers' relations towards China is such on the other hand, Japan should avail herself in the meantime of the European war definitely to decide upon a policy towards China, the most important move being the transformation of the Chinese Government to be followed up by preparing for the conclusion of the defensive alliance. The precipitate action on the part of our present Cabinet in acceding to the request of Great Britain to declare war against Germany without having definitely settled our policy towards China has no real connection with our future negotiations with China or affect the political condition in the Far East. Consequently all intelligent Japanese, in every walk of life throughout the land, are very deeply concerned about the matter.

Our Imperial Government should now definitely change our dependent foreign policy which is being directed by others, into an independent foreign policy which shall direct others, proclaiming the same with solemn sincerity to the world and carrying it out with determination. If we do so, even the gods and spirits will give way. There are important points in our policy towards China and the result depends on how we carry them out. Can our authorities firmly make up their mind to solve this Chinese Question by the actual carrying out of this fundamental principle? If they show irresolution while we have this heaven-conferred chance and merely depend on the good will of the other Powers, we shall eventually have greater pressure brought against the Far East after the European war is over, when the present equilibrium will be destroyed. That day will then be too late for us to repent our folly. We are therefore impelled by force of circumstances to urge our authorities to a quickened sense of the situation and to come to a determination.

File No. 793.94/376.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 617.] AMERICAN LEGATION,
Peking, May 4, 1915.

SIR: In continuation of my despatch No. 597 of April 5, I have the honor to report on the progress of the negotiations between China and Japan:

The slow progress of the negotiations is partly due to the inherent difficulty and complexity of the interests and enterprises which form the subject-matter of the demands. It cannot be justly charged that the Chinese Government followed a policy of obstruction and delay; on the contrary, there has probably never been a negotiation in China in which questions of such vast scope were disposed of with similar expedition. At the beginning of April the far-reaching concessions regarding South Manchuria and Shantung, as well as the coastal non-alienation agreement, had practically been settled. The Manchurian question was kept open upon the matter of jurisdiction in police and land cases involving Japanese settlers in the interior. A copy of a memorandum of the Chinese Government was forwarded in my despatch No. 598 of the 5th ultimo; and a copy of a subsequent memorandum, handed to the Japanese Minister by the Minister for Foreign Affairs on April 15, is transmitted herewith. It was suspected that the action of the Japanese Government in again and again adjourning the discussion of this matter in detail was probably due to a desire to keep the question of South Manchuria open in order to afford an opportunity of further committing the Chinese Government on the demands contained in Group V.

On these latter demands the Chinese Government throughout consistently took the position that they could not be considered since they involve action inconsistent with the administrative integrity and independence of China, or with treaty obligations to foreign powers, or both. Yielding to the insistent pressure of the Japanese Minister, the Minister for Foreign Affairs, however, consented informally to discuss some of the reasons why the Chinese Government could not make these grants; in the course of this conversation the Japanese Minister repeatedly attempted to treat the statements of the Minister for Foreign Affairs as admissions to be made part of the protocol. As an example of this, I may give the conversation concerning Buddhist missionary rights in China. The Japanese Minister queried on what general principle Buddhist missionaries from Japan should be excluded while Christian missionaries from Western countries were admitted. The Minister for Foreign Affairs, after alluding to the fact that as China was herself a Buddhist country it was natural that special arrangements might be made with respect to the representatives of some other religion, stated that this would not apply to Buddhists from neighboring countries; and further pointed out that the continuance of extraterritoriality would bring about many difficulties in connection with the free admission of Japanese Buddhist propagandists. He then stated that as far as any general principle was concerned, his Government had, of course, none to urge against Buddhist religious work; but that in this particular matter the difficulties which might arise would be rather of a local nature, as a special situation existed in each of the provinces or localities in China. The Japanese Minister then immediately asked that the statement that the Chinese Government had no objection on general principle to the admission of Japanese Buddhist missionaries be embodied in the formal protocol. The Minister for Foreign Affairs declined to allow this to be done, stating that the Chinese Government could not make any formal admissions in this

matter; that his statements must be taken in the spirit of the general conversation as explaining the difficulties which his Government would experience should it give up its liberty of action in this matter. Nevertheless, the Japanese Minister insisted upon this part of the minutes being initialed by the secretaries.

At the conference of May 1 the Minister for Foreign Affairs pointed out that the phraseology in certain of the demands of Group V in the revised list of Japan was based on expressions which he had employed in the course of conversations when he was explaining the reasons why it was impossible for China to negotiate this particular group; and he again insistently emphasized, as had been done at the time, that these conversations were in no way to be considered as implying a formal discussion and possibly involving admissions of principle, but that they had been entered into with the explicit declaration that no such admissions could be made and that the conversations should be considered as an informal explanation by the Minister for Foreign Affairs of the necessities under which the Chinese Government acted.

During the discussion of the demand relating to the Province of Fukien very pointed references were made to a "certain Power," understood by all present as referring to the United States of America. It was stated that it was of equal importance to China and to Japan to have a complete assurance that any efforts of this "certain Power" to obtain a foothold in Fukien Province through getting control, directly or indirectly, of any of the naval bases there should be frustrated. It was urged that the time was favorable for the making of an arrangement by which this "certain Power" would be excluded from the possibility of obtaining such a foothold; the present administration was stated to be favorable to the withdrawal of American pretensions, but that it was uncertain whether such pretensions would not again be taken up by some future administration.

When the demand for railway grants south of the Yangtze River was under discussion, the Japanese Minister insisted that if concessions which had in the past been asked for by Japanese had actually been granted to another Power, this of itself constituted a proof of the unfriendliness of China towards Japan. The Minister for Foreign Affairs pointed out that negotiations had never been seriously taken up with any Japanese concerning these railway lines. Thereupon the Japanese Minister advanced the proposal that China should grant these railway concessions to Japan and leave it to the latter to come to an agreement with Great Britain concerning any conflicting claims which might arise.

On April 26, after an intermission of one week in the negotiations, the Japanese Minister handed to the Chinese Government a revised list of demands which is reported in my telegram of April 27, 8 p. m. The statement regarding the Han-yeh-ping Company was later modified, as a mistake had been made in the decoding of the instructions to the Japanese Legation. As it now stands, it would involve a declaration favorable to the formation of a joint company with Japan, the Chinese Government binding itself not to transform the

company into a state-owned concern nor to allow the company to borrow money abroad for the repayment of the debts owing to Japan.

The formal "withdrawal" of Group V is accompanied by a restatement of the principles therein contained which, in the view of the Chinese Government, would render such concessions no less fatal to Chinese independence and administrative integrity. The appointment of Japanese advisers in administrative and military affairs, the purchase of war supplies, the conduct of arsenals, and railway concessions south of the Yangtze River, are demands which are retained under a slightly modified form, but none the less dangerous to China's independence. The Chinese Government has therefore decided to continue its unqualified refusal to entertain these demands. Nor did the formal return of Tsingtau, coupled with conditions which render it of no concrete value to the Chinese Government, appear to be an offer which could be considered a valid quid pro quo for any important concessions on the part of China.

After deliberating throughout the week and taking the counsel of all his Ministers and important advisers, the President decided to adhere to his original position that, after making unprecedented concessions with respect to Manchuria, Eastern Mongolia, Shantung, and the Han-yeh-ping Company, it would be impossible for the Chinese Government to grant the still more general rights and privileges asked for in Group V. Being extremely desirous to maintain the best of relations with Japan, the Chinese Government nevertheless was convinced that, if Japan was acting in good faith as a friend of China, the far-reaching concessions now offered would be satisfactory to her; but that if it were the desire of the Japanese Government to exceed these limits and to follow a policy of subjugating China, then the attempt to buy peace by making further concessions inconsistent with the independence of China would be futile, because it was to be foreseen that in such a case concessions would not buy immunity but would tend to encourage further exactions. The Chinese Government is convinced that on account of its desire to befriend and satisfy Japan, too much rather than too little has already been granted, from the point of view of China's national interest; and that it would be impossible for the Chinese Government to assume, in the face of the Chinese people whose rights it holds in trust, the responsibility for yet more extensive concessions which would permanently shackle her freedom of national development.

As is probably known to the Department, the English version of the full text of the Japanese demands, including Group V, was published late in April in the Japan Mail, the semi-official Tokyo paper. During the recent past, high Chinese officials have frequently stated to me that it is their great desire that the American people should be fully informed of the facts regarding the attack now being made upon China's liberties, because they have the conviction that the public opinion of the world, and especially of the United States, is a great force which will in the long run operate to defeat any policy of injustice.

I have [etc.]

PAUL S. REINSCH.

[Inclosure—Translation.]

MEMORANDUM HANDED TO THE JAPANESE MINISTER BY THE MINISTER FOR FOREIGN AFFAIRS, APRIL 15, 1915.

It is a fact that in Manchuria there exist special regulations governing grant of land for reclamation, and custom and usage relating to lease of land for farming. In recent years there have been instances of leasing land to foreigners for reclamation or farming. In such instances there are always written contracts, the terms of which are not all the same. To make regulations for reclamation and farming in future means only to reduce the existing customs and usage to writing. As regards the duration of a lease, of course the longest period stipulated or permitted by custom and usage will be chosen as a standard. Based upon customary practice, to be observed by Chinese and foreigners alike, these new regulations will naturally have reasonableness as their principle and avow [show?] discrimination. These are points for which the Chinese Government can give an assurance.

By the phrase "police laws or ordinances" are meant the existing police laws of China which have been in force throughout the entire country for many years. "Taxes" also mean the taxes now in force. These being all matters relating to China's internal administration, it is impossible to subject them to the necessity of having them recognized by a Japanese consul first, thereby setting a vicious precedent to have the laws of China subjected to recognition by foreign consuls. Moreover the fact that Japan agrees to have Japanese settlers in South Manchuria submit to Chinese taxation and police laws clearly shows that she knows that there already exist police and tax laws in China which Japanese settlers are to observe. There is, then, no reason why Japan should ask to approve the police and tax laws which are already in force.

Regarding the question of jurisdiction, China has amended her counter proposal many times. According to the most recent amendment, both civil and criminal cases are to be arranged in accordance with treaty. Compared with the original idea, suggested by China, of abolishing consular jurisdiction in return for the right of residence in the interior, this amendment is again a great concession. In Turkey, where consular jurisdiction prevails, civil cases between Ottoman and British subjects, regardless of whether the latter are plaintiffs or defendants, are tried and adjudicated by Turkish tribunals. In cases where the ownership of real property is involved, foreigners are treated in the same manner as Ottoman subjects and are directly amenable to the Ottoman civil courts, both as plaintiffs and defendants. Even when both parties to the case are foreigners, they are subject to the same jurisdiction, without availing themselves of personal nationality. (Vide Law of Turkey, June 18, 1867, and Protocol of July 28, 1868.) The modus operandi which China has suggested for cases involving land disputes is based upon only one phase of the Turkish system. The method of dealing with criminal and civil cases as conceded by China is far from anything like what exists in Turkey. And since your excellency has declared that Chinese law and custom will be followed in adjudicating cases of land disputes, there is still less need for trial by a mixed tribunal. It is therefore hoped that the Japanese Government will appreciate the sincerity of the Chinese Government and not find a pretext again in consular jurisdiction to decline this most liberal concession.

The Chinese Government believe that the concessions outlined above are most reasonable and generous and hope that your excellency will be so good as to transmit the same to your Government and request them to take the matter into careful consideration and speedily express their concurrence, to the end that this question may be soon settled.

File No. 793.94/494.

The Japanese Foreign Office to the Japanese Ambassador.[45]

[Telegram.]

MAY 6, 1915.

The reply the Chinese Government made on May 1[46] to the amended proposals which the Imperial Government had recently

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[45] Copy left at the Department by the Japanese Ambassador.
[46] See Mr. Reinsch's telegram of May 3, 4 p. m.

addressed to the former was unsatisfactory and extremely disappointing, even containing, among other things, certain points wherein attempt is made to upset what has already been settled and to formulate fresh provisions prejudicial to our interests. In point of fact, the amended proposals, formulated and presented in a most conciliatory and accommodating spirit, have resulted, quite contrary to expectation, in a retrogression of the situation. Were the present contentions of the Chinese Government to be acceded to in their entirety, the original object of our negotiations with China would, in effect, be set at naught. Nevertheless, the Chinese authorities unequivocally declared that their present counter-proposals are final and that there is no room left for any modification whatever.

Later, on May 5, the Chinese Government sent an official of the Foreign Office to our Minister at Peking, and intimated unofficially that they will withdraw the last reply and will continue conference under an understanding that China, on her part, would accord further consideration to our last amended proposals. But what was stated on that occasion was, as hitherto, vague and indefinite, only manifesting an idle attempt at further procrastination and revealing more than ever the lack of sincerity.

Although it has been deemed that there is left scarcely any room for further continuation of the negotiations in the circumstances, the Imperial Goverment have, nevertheless, decided to address a fresh communication to the Chinese Government, and to request a reconsideration of their position. This decision is based solely on a sincere desire on the part of the Imperial Government to spare no pains in bringing the negotiations to an amicable conclusion, and thereby to avert complication of the situation.

The Imperial Government entertain an earnest hope that China, mindful of importance to preserve peace in the Far East and sensible of the broader aspect of the situation, will find her way, upon reflection, to accept, within the time limit set, the proposals as finally modified. In the untoward eventuality, however, of receiving no satisfactory answer from the Chinese Government before the time limit expires, the Imperial Government would be left no course but to resort, however much against their inclination, to a measure they consider necessary for maintaining and safeguarding Japan's position in the Far East.

The Imperial Government hope that the Government to which you are accredited will fully appreciate the situation as above set forth.

[Annex 1.]

Chinese counter-demands relating to Kiao-chau.

1. Unconditional restitution to China of the leased territory of Kiao-chau.
2. Agreement by Japan to the participation of China in the peace conference to be held between Japan and Germany.
3. The Japanese Government to bear the entire damages incident to the hostilities between Japan and Germany.
4. Immediate removal of all the Japanese military establishments connected with the hostilities between Japan and Germany; and prompt withdrawal of the troops from within the occupied territory.

[Annex 2.]

The time limit fixed for reply to the last communication of the Japanese Government to the Chinese Government is 6 p. m. of May 9.

Five out of the six items in Group V as they appeared in the amended proposals are now proposed to be detached from the negotiations subject to future discussion. The only item left is that concerning the Province of Fukien, with regard to which an agreement as to exchanges of notes has already been reached between the represenatives of the two Governments. Another item in the same group in the original proposals, relating to police administration, was withdrawn in the amended proposals, substance of which was communicated to the Honorable the Secretary of State on April 30, 1915.

File No. 793.94/338a.

The Secretary of State to Minister Reinsch.[47]

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 6, 1915—7 p. m.

The following notice was given to the press this evening for release May 7:

In order that there may be no misunderstanding of the position of the United States in reference to the negotiations pending between Japan and China the following announcement is made:

At the beginning of negotiations the Japanese Government confidentially informed this Government of the matters which were under discussion and accompanied the information by the assurance that Japan had no intention of interfering with either the political independence or territorial integrity of China, and that nothing that she proposed would discriminate against other Powers having treaties with China, or interfere with the "Open Door" policy to which all the leading nations are committed.

This Government has not only had no thought of surrendering any of its treaty rights with China, but it has never been asked by either Japan or China to make any surrender of these rights. There is no abatement of its interest in the welfare and progress of China and its sole interest in the present negotiations is that they may be concluded in a manner satisfactory to both nations, and that the terms of the agreement will not only contribute to the prosperity of both of these great Oriental empires but maintain that cordial relationship so essential to the future of both, and to the peace of world.

BRYAN.

File No. 793.94/329.

AMERICAN LEGATION,
Peking, May 6, 1915—1 a. m.

The situation remains unchanged. Japanese subjects are under orders leaving Canton, Hankow and other centers; are being concentrated in the Mukden railway settlement; and in Peking are making preparations for leaving. At Tsinanfu new entrenchments were constructed last night. A Japanese cruiser and four destroyers have appeared off Chinwangtao. Conditions in China remain entirely normal, quiet and peaceful.

REINSCH.

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[47] The same to the American Ambassador at Tokyo.

File No. 795.94/331.

Minister Reinsch to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN LEGATION,
Peking, May 6, 1915—noon.

An ultimatum was received here by the Japanese Legation today and is to be delivered tomorrow afternoon. Meanwhile in order to avert its presentation, the Chinese Government has offered further important concessions which nearly reach the full measure of the revised demands presented by Japan April 26. These the Japanese refuse to consider, giving the Chinese to understand that the ultimatum will call for an unconditional yes or no.

REINSCH.

File No. 793.94/335.

AMERICAN LEGATION,
Peking, May 7, 1915—7 p. m.

Japanese Minister this afternoon handed to the Minister of Foreign Affairs an ultimatum in the form of a further revised set of demands to be accepted categorically by 6 p. m., May 9. It is surprising that these demands were presented in the form of an ultimatum, being in fact almost identical with those conceded by China as reported in my telegram of May 3, 4 p. m.,[48] and on the surface less exigent than those which this Government informally offered to concede yesterday as reported in my telegram May 6, midnight. All the articles of Group V of the original demands except the omissions [Sic: one?] relating to Fukien are now marked "discussion postponed" which at any rate temporarily removes them from the discussion although somewhat ominously putting them on record as outstanding questions. I am informed that other modifications in the demands as presented April 26 are unimportant.

REINSCH.

File No. 793.94/565.

Ambassador Page to the Secretary of State.

[Telegram—Extract.]

AMERICAN EMBASSY,
London, May 7, 1915—7 p. m.

2062. Sir Edward Gray informs me that he gave the following memorandum to the Japanese Ambassador here yesterday:

His Majesty's Government are very much concerned at the prospect of a war between China and Japan. They feel this may imperil the independence and integrity of China which is one of the main objects of the Anglo-Japanese alliance. In view of Article 1 of the alliance, we trust that the Japanese Government will not finally shut the door upon the possibility of agreements with China without consulting with us and giving us an opportunity of promoting a friendly settlement.

Sir Edward Gray further informs me that the Japanese Government have withdrawn the demands classified under Group V and left

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[48] See also Mr. Reinsch's April 27, 8 p. m.

them for subsequent discussion and settlement, thus leaving a way open for the Chinese acceptance of the demands as they now stand.

Sir Edward Gray expressed the hope today to the Chinese Minister that his Government would find itself able to accept them.

AMERICAN AMBASSADOR.

File No. 793.94/341.

Minister Reinsch to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Peking, May 9, 1915—1 a. m.

As your May 6 was delayed in transmission I had been already informed at the time of receiving it that the Chinese Government, recognizing its inability to resist the military forces of Japan, would accede to the ultimatum.

A meeting of the Cabinet and Council of State lasting several hours today formally adopted this decision and an answer to that effect was delivered to Japanese Legation tonight. This was indeed the only alternative possible, for, although the Chinese Government feels that its rights have been cruelly overridden, its military unpreparedness made it necessary to yield to threats of Japan.

The Japanese have in the ultimatum given the objectionable demands in the fifth group the status of unfinished business to be negotiated later. It is especially significant that the Japanese refused to accept the first draft of the Chinese answer which was delivered to them at eight o'clock this evening and which contained a formula indicating that the pending questions have been disposed of; the Japanese insisted that the future negotiations of the demands in Group V should be specifically promised. The Chinese then gave a categorical assent to the ultimatum. This shows that it is by no means Japan's intention to give up the demands of Group V and that an early resumption of pressure on these demands may be expected.

As the Chinese military leaders themselves recognize the necessity of submitting to the Japanese and are supporting the President in his painful act it is probable that no organized movement against the Government will occur although popular feeling is likely to run high when the extent of the concessions becomes known.

REINSCH.

File No. 793.94/342.

Chargé Wheeler to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokyo, May 9, 1915—10 a. m.

Japanese Minister for Foreign Affairs informs me that a telegram has been received from Hioki in Peking stating that the Chinese Government has unconditionally accepted the ultimatum.

WHEELER.

File No. 793.94/351a.

The Secretary of State to Ambassador Guthrie.[49]

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 11, 1915—5 p. m.

Please call upon the Minister for Foreign Affairs and present to him a note textually as follows:

"In view of the circumstances of the negotiations which have taken place and which are now pending between the Government of Japan and the Government of China, and of the agreements which have been reached as a result thereof, the Government of the United States has the honor to notify the Imperial Japanese Government that it cannot recognize any agreement or undertaking which has been entered into or which may be entered into between the Governments of Japan and China, impairing the treaty rights of the United States and its citizens in China, the political or territorial integrity of the Republic of China, or the international policy relative to China commonly known as the open door policy.

"An identical note has been transmitted to the Government of the Chinese Republic."

BRYAN.

File No. 793.94/351a, b.

The Secretary of State to the Japanese Ambassador.[50]

No. 118.] DEPARTMENT OF STATE,
Washington, May 12, 1915.

EXCELLENCY: I have the honor to enclose herewith for your information copy of a telegram sent by the Department of State yesterday afternoon to the American Embassy at Tokyo, relative to the treaty rights of the United States and its citizens in China in connection with any agreement or undertaking which has been entered into between the Governments of Japan and China as a result of the negotiations which have recently been conducted between those two Governments and which are still pending.

Accept [etc.]

W. J. BRYAN.

File No. 793.94/352.

Chargé Wheeler to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokyo [not dated; received May 13, 1915.]

Your cable of May 11, 5 p. m. Note was handed to Japanese Minister for Foreign Affairs at 2.30 this afternoon.

WHEELER.

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[49] Mutatis mutandis to the American Legation in China.
[50] Mutatis mutandis to the Chinese Minister.

File No. 793.94/357.

Minister Reinsch to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, May 14, 1915—4 p. m.

In communicating to the Minister for Foreign Affairs yesterday afternoon the note incorporated in your telegram May 11, 5 p. m., which he received with the statement that it had been his earnest endeavor to secure observance of the treaty rights, I took occasion to suggest that the definitive treaty which is to embody the results of the negotiations should contain an article expressly stipulating that none of its provisions should be so construed as to impair the political or territorial integrity of China or the principle of equality of commercial opportunity.

Inasmuch as the explanatory memorandum accompanying the Japanese ultimatum of the 7th instant contained a suggestion that a secret agreement should be concluded in regard to the approval by the Japanese authorities of all Chinese tax and police regulations affecting residence of Japanese subjects in Manchuria, I intimated to the Minister for Foreign Affairs that as under the most-favored-nation principle the United States would be entitled to claim similar treatment it would expect to be advised of the terms of any such arrangement. I beg to request authorization to supplement yesterday's note by a further communication formally requesting to be advised of any arrangement which may result from the present negotiations with Japan by which the Chinese Government may imply any change in the status and rights of foreigners resident in China, in order that the Government of the United States may be in a position to determine and to claim for its citizens all rights thus accruing to them under the principle of most-favored-nation treatment.

REINSCH.

File No. 793.94/357.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 15, 1915—6 p. m.

Your May 14, 4 p. m. Having filed our notice of May 11, 5 p. m., with both parties, we do not think it necessary to ask for stipulation which you suggest. Say to Government we take it for granted that the Government of the United States will be notified of any provision in treaty now being negotiated by which the Chinese Government recognizes any change in the status of foreigners in China; such notification will enable the Government of the United States to share any privileges which may accrue under most-favored-nation treatment.

The substance of this telegram is being sent to Tokyo for communication to Foreign Office.

BRYAN.

NOTE.—The American Ambassador in Japan was advised of above telegram, May 15, 1915.

File No. 793.94/397.

Minister Reinsch to the Secretary of State.

No. 628.] AMERICAN LEGATION,
Peking, May 17, 1915.

SIR: In continuation of my despatch No. 617 of May 4, I have the honor to transmit for your information copies of a number of documents connected with the ultimatum of May 7 which closed the negotiations between China and Japan.

1. The first document contains the proposal for a settlement which was advanced by the Japanese Minister on April 26 and was then stated to contain the minimum which the Japanese Government could accept.[51]

2. On May 1 the Minister for Foreign Affairs met the Japanese Minister in conference and read to him a memorandum in which he argued that the Chinese Government had given ample proof of its friendliness and sincerity towards Japan through the extensive concessions which it had offered and in which he gave the reasons for withholding assent to other demands.[52]

3. At the same time the Minister for Foreign Affairs handed to the Japanese Minister a statement of the maximum of concessions which the Chinese Government was ready to make.[51]

4. On May 7 at 3 p. m. the Japanese Minister handed to the Minister for Foreign Affairs a memorandum which was in fact an ultimatum with acceptance limited to fifty-one hours, in which there was demanded the acceptance without alteration of all the articles of Groups I, II, III, and IV in the Japanese revised list of demands of April 26, together with an exchange of notes in connection with Fukien Province.[51]

5. This ultimatum was accompanied by an explanatory note in which various points of detail were discussed.[51]

6. At midnight of the 8th of May the reply of the Chinese Government accepting the ultimatum unconditionally was delivered to the Japanese Minister.[51]

7. As the Japanese Government had issued a statement [53] concerning the negotiations, a copy of which is enclosed, the Chinese Government on May 13 issued a statement in which its position is fully explained.[52]

8. Enclosure No. 8 also contains a number of the other texts herein separately enclosed which have been left together for convenience in reference.

9. On May 13 the President issued a mandate based upon a memorial received from the Tsan Cheng Yuan or Council of State in which it is declared to be the policy of the Chinese Government that "hereafter no part of the coast or any port, bay or island thereof, will be ceded or leased to any foreign country." [54]

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[51] Printed as an inclosure to note of July 6 from the Chinese Minister, post, p 187; see also inclosure to dispatch, dated June 8, 1915, from the American Chargé d'Affaires at Tokyo, p. 163, post.

[52] Printed as an inclosure to the note of July 6 from the Chinese Minister, p. 190

[53] The text of the Japanese statement, as circulated in China by Reuter's Telegraph Agency, is printed as inclosure 3.

[54] Inclosure 1.

10. I am further enclosing a copy of a telegram sent by the President to the provincial authorities on May 5, in which certain instructions are given with respect to the attitude and behavior of officials and people during the critical period.[55]

11. I am also enclosing a copy of an editorial concerning the official statements of China and Japan.[17]

When it had been made known that an ultimatum would be delivered, the Chinese officials were much perplexed as to whether it was wiser quietly to await the delivery of the ultimatum or to attempt by further concessions to placate the Japanese. During the six days from May 3 to May 7 councils were held at the President's residence almost daily. I have been informed that on May 5, which is the diplomatic reception day at the Foreign Office, the Ministers of Great Britain, Russia and France took occasion to express to the Minister of Foreign Affairs their opinion that it would be wise for China not to attempt armed resistance to the demands of Japan. During May 6 certain conversations were held between the Japanese Legation and the Foreign Office; I was informed that the Counsellor of the Japanese Legation stated to the Vice Minister for Foreign Affairs that if China had further proposals to make it might be possible for the Legation to intercede. The Chinese Foreign Office, presumably with the consent of the President, thereupon offered to make further concessions on the points contained in Group V. Although the Chinese fully realized that the Japanese Government had put itself in a position where it could not urge the demands of Group V by force of arms, they were so panic-stricken at the idea of an ultimatum that they were willing to buy the assurance of peace by foregoing every tactical advantage which they held in the negotiations. The Japanese Legation then stated that the instructions of the Japanese Government left no alternative but the presentation of the ultimatum, which was carried out on May 7 at 3 p. m.

The Chinese were now astonished and chagrined to find that the demands of Group V were not urged in the ultimatum; but their annoyance at having unnecessarily committed themselves too far the day before was compensated by a sense of relief because the terms of the ultimatum at first sight seemed so moderate. In the first fullness of satisfaction and relief the Chinese were inclined to understand the stipulation that "The demands of Group V will be detached from the present negotiations and discussed separately in the future" as an adroit manner of abandoning those troublesome questions. They were, however, soon to learn that this hopeful interpretation was not in accord with the ideas of the Japanese Legation.

In the discussions preceding the delivery of the ultimatum there had been a very strong party, in which the leading military men were included, favoring resistance to the Japanese demands. Violent scenes are said to have taken place in the council during these discussions. The party favoring resistance argued that, while China was not prepared to wage war successfully against Japan, submission would mean national disintegration and would rob the Government of all authority and popular support while resistance would rally national feeling and make it possible to obstruct the Japanese

[55] Inclosure 2.
[17] Not printed.

advance until, with the ending of the European war, help from abroad could be expected. The strongest representations were made to the President to determine him toward this course of action. When the ultimatum had been delivered, however, the military party realized that it would be decidedly impolitic to offer resistance in view of the fact that the most objectionable demands had been postponed. They therefore assured the President of their support in the disagreeable duty of accepting the ultimatum.

May 8 was taken up with the drafting of the Chinese reply to the ultimatum. The Chinese Foreign Office realized that a certain advantage could be gained by giving the answer a form which would imply the abandonment of the demands under Group V. This would have been accomplished by stating that the Chinese Government accepted the demands of Group I, II, III and IV and was willing to make an exchange of notes respecting Fukien; and that it trusted that in this way a settlement of the pending questions had been effected. But the form chosen included the phrase "with the exception of the five articles in the fifth group." The Japanese Legation had expressed a desire to see the answer before it was formally submitted. When they saw the wording chosen by the Chinese they insisted that after the clause as quoted there should be inserted the words "which are to be discussed in the future." In this way it was made perfectly clear that the Japanese Government had no idea of relinquishing the demands in Group V but that they had been given the character of unfinished business to be taken up at a future date. The tactical mistake of the Chinese Government was probably due to a desire to appear explicitly to refuse certain concessions.

When the acceptance of the ultimatum was announced there came from all parts of China many strong expressions of disapproval; but so far, with the exception of slight anti-Japanese outbreaks at Hankow on May 14 and at Chinkiang on May 16, no popular movements have been reported.

The Presidential mandate with respect to the non-alienation of places along the coast represents the effort of the Chinese to solve this question in such a way as not to commit themselves to the Japanese Government as a protecting power.

I have [etc.]

PAUL S. REINSCH.

[Inclosure 1—Translation.]

Presidential mandate concerning the non-alienation of the coasts of China.

May 13, 1915.

MEMORIAL FROM THE TS'AN CHENG YUAN.

During the last days of the Ch'ing régime when the power and influence of the nation were on the decline, the coast was the scene of many military activities. Consequently some parts of the coast were either ceded while others were leased to foreign countries; thus many strategic points fell into the hands of foreign countries and the means of defense were practically lost to China, whose people have since not been able to enjoy peace. This is directly in conflict with the principle of defending the country by occupying the strategical points. We therefore suggest to the Government that at this time when our country has just passed through a period of suffering and pain, we should profit by past experience and make plans for the future. An open order

should be given to the Ministries of War and Navy as well as the provincial authorities to give special attention to coast defence, so that the people residing in these regions may live in peace in their homes and pursue their occupations. A declaration should be made to the world that hereafter no part of the coast or islands, bays or ports thereof shall be ceded or leased to any foreign country, with a view that the nation will be at ease, that its defense is secure while peace may reign among the different countries. This problem was brought up for discussion at a meeting held on May 12 and unanimously passed. We hereby respectfully present this suggestion for promulgation, etc.

PRESIDENT'S RESCRIPT.

Since the coast regions are in close relations with national defence and should be well guarded beforehand, the suggestion of the Ts'an Cheng Yuan is indeed farsighted. It is hereby promulgated. Hereafter no part of the coast or any port, bay or island thereof will be ceded or leased to whatever foreign country. The Ministries of War and Navy as well as the provincial authorities of the coast provinces are hereby instructed to be specifically responsible for the defence of the same so that the sovereignty of the nation may be consolidated.

[Inclosure 2.]

President's telegram to Provinces.

PEKING, *May 5, 1915.*

1. In order to give no pretext to Japan to commence hostilities against our country, it is absolutely necessary for the high provincial authorities to devise means to prevent any anti-Japanese demonstrations or riots, while at the same time great care should be taken by them and their subordinates to induce the people to love their own Fatherland so that in case of necessity the masses know how to defend their own homes against alien aggression.

2. If the people know how to love their own country, then they know how to use the native products of their Fatherland without any collective demonstration against foreign goods. Hence the improvement of native products is not prohibited by the Government; but any useless demonstration or talk about boycott of foreign merchandise is strictly forbidden at this critical moment.

3. The publication of patriotic announcements or speeches or any printed matters concerning the improvement and extension of native products are not prohibited by the Government; but in order to prevent bad characters or fiendish elements to mix themselves in the company of well-to-do merchants and people to make mischief for attaining their selfish ends, provincial authorities are hereby ordered to pay their full attention to inflict certain restrictions according to the existing conditions of their respective districts so as to confine the patriotic people of our country to the right path.

In conclusion, the President adds that the people of the 20th century should know how to love and respect their own Fatherland and die for it in case of emergency; but in the case of individuals, they should respect foreigners; any anti-foreign demonstrations or riots are greatly despised as senseless and barbarous by the civilized world. Hence, in the midst of our perils, we must exert our best to gain the sympathy and respect of foreigners. Sensible and educated men will certainly at once know the real intention and idea of the Central Government in handling the most delicate situation so that the Civil Governors and Chiang-chuns must strictly adhere to these instructions.

[Inclosure 3.]

[From the Far Eastern Review of May 1915.]

Japan's Communiqué, issued by the Japanese Government from Tokyo on May 7 and circulated by Reuter's Telegraph Agency.

The Imperial Government have, in the demands lately presented to the Chinese Government, made it the main object to adjust matters to meet the new situation created by the war between Japan and Germany and to

bring closer the friendly relations subsisting between Japan and China and thus insure the permanent peace of the Far East. In formulating these demands, they have taken special care to avoid those which might have been deemed to conflict with the principles of territorial integrity, equal opportunity and the open door which Japan has from time to time declared to the Powers in regard to China. Accordingly these demands include among others those relating to the disposition of German rights in Shantung, those relating to the recognition of the special position and interests of Japan in South Manchuria and Eastern Inner Mongolia, and those relating to the solution of various questions which for many years have been pending between the Japanese and Chinese Governments.

GROUP I contains demands relating to the Province of Shantung.

The first article demands an engagement on the part of China to consent to all matters which may be agreed upon between the Japanese Government and the German Government with regard to the disposition of all rights, interests and concessions which in virtue of treaties or otherwise Germany possesses in relation to the Province of Shantung.

The second article demands an engagement on the part of China not to alienate or lease to another Power the province of Shantung or any portion of it or any island lying near the coast of the said province.

Article 3. China shall grant to Japan the right of construction of a railway connecting Chefoo or Lungkou with the Tsinanfu-Kiaochow Railway.

Article 4. The Chinese Government shall open the principal cities of the province of Shantung for the residence and trade of foreigners.

GROUP II contains demands relating to South Manchuria and Eastern Inner Mongolia.

The first article demands the extension of the terms of lease of Port Arthur and of the South Manchuria and Antung-Mukden Railways to a period of ninety-nine years.

The second article demands that Japanese subjects shall be permitted to lease or own land necessary either for erecting buildings of various kinds for commercial and industrial uses or for agricultural purposes.

The third article demands that Japanese subjects shall be permitted to reside, travel and carry on business of various kinds, commercial, industrial or otherwise.

The fourth article demands that Japanese subjects shall be granted the mining rights of certain specified mines.

The fifth article demands that the consent of the Japanese Government shall be obtained in advance when China proposed to grant a railway concession to subjects of a third Power or to procure a supply of capital from a third Power for the construction of a railway or to raise a loan from such Power on the security of duties or taxes.

The sixth article demands that the Japanese Government shall be consulted before the engaging of advisers or instructors regarding political, financial or military matters.

Article 7 demands that the management and control of the Kirin-Changchung Railway shall be transferred to Japan for the term of ninety-nine years.

GROUP III contains demands relating to the Hanyehping Company.

The first article demands that having regard to the close relations between Japanese capitalists and this company, the Chinese Government shall agree to the placing of the company under joint Japanese and Chinese management and not to dispose or permit the company to dispose, without the consent of Japan, any rights or property belonging to the company.

The second article demands that owing to the necessity for the protection of the interests of Japanese capitalists, the Chinese Government shall engage not to permit, without the consent of the company, any one other than the company to work the mines situated in the neighborhood of those belonging to the company and also to obtain previous consent in case it is proposed to take measures which may be deemed to affect the company directly or indirectly.

GROUP IV contains demands relating to the non-alienation of the coast of China or islands off the coast.

The Chinese Government shall engage not to alienate or lease to a third Power any ports or bays on, or islands off, the Coast of China.

GROUP V. Propositions relating to the solution of pending questions and others.

Article 1. The Central Chinese Government must engage influential Japanese as political, financial and military advisers.

Article 2. The Chinese Government must recognize the right of Japanese to land for building Japanese hospitals, temples and schools in the interior of China.

Article 3. The police in localities where such arrangements are necessary must be placed under joint Japanese and Chinese administration, or else Japanese must be employed as police officers in such localities.

Article 4. China must obtain from Japan a supply of a certain quantity of arms, or else must establish arsenals in China, under joint Japanese and Chinese management, and these must be supplied with experts and material from Japan.

Article 5. Japan must be given the right to construct a railway connecting Wuchang with the Kiukiang-Nanchang line and with the Nanchang-Hangchow railways.

Article 6. In view of the relations between the Province of Fukien and Formosa and the agreement respecting the non-alienation of Fukien, Japan must be consulted whenever foreign capital is needed in connection with railways, mines and harbor works, including dockyards.

Article 7. The Chinese Government must recognise the right of preaching by the Japanese in China.

With regard to the Province of Shantung, China absolutely lacks, it is clear in her present condition, the power to prevent Germany from recovering her influence in that province and from becoming in future again a source of disturbance in the Far East. It is, therefore, natural that Japan, who has at great sacrifice driven Germany out of Shantung, should present the above-mentioned demands, in order to consider how the rights possessed by Germany should be disposed of, and to take measures to prevent the recrudescence of German influence.

Japan's relations with Manchuria have always been especially close geographically, politically and from the point of view of commercial and industrial interests. Since those relations have been strengthened by two successive wars the predominant position of Japan in that region has been recognized both at home and abroad.

The case is almost similar in regard to Eastern Inner Mongolia.

Further for the advancement of the intimate relations existing between Japan and China, no effort should be spared to solve definitely on this occasion all pending questions which are likely to lead to difficulties with China and at the same time to make an agreement with a view to prevent future misunderstandings. The Japanese Government, fully expecting that the Chinese Government would value the friendly sentiments existing between the two countries and willingly accede to the Japanese proposals, urged them to carry these matters into effect, whereas, in other matters China's consent was demanded by reason of treaty and other rights.

With regard to the demands, which were formulated after careful and mature consideration, on the basis of the principles above referred to, the Chinese Government, in disregard of the understanding which was made at the commencement of the negotiations to keep the proceedings of the conferences strictly secret, made public the Japanese proposals, in various exaggerated forms and endeavored to stir up the feelings of the Powers against Japan. They caused the matters discussed at the conferences to be published invariably in the newspapers, with a view to hindering the progress of the negotiations; by fabricating news detrimental to Japan and they attempted to shake the confidence placed by her ally in Japan. They even demanded the unconditional retrocession of Kiaochow and an indemnity for the damage caused by the war between Japan and Germany, and thus they showed from the first a lack of a sincere desire for a satisfactory conclusion of the negotiations.

Moreover, although the Japanese Government fully showed its sincerity by repeatedly explaining the motives of the demands and endeavored to hear China's unreserved views on the matter, it is an undeniable fact that the Chinese authorities failed to appreciate the friendly attitude of Japan and persisted in protracting the negotiations. Twenty-five conferences were held in all, extending over more than three months and throughout these conferences the Japanese Government exhausted every means of arriving at a satisfactory

solution, but the Chinese Government, although they showed a disposition to agree to the demands relating to the province of Shantung, yet with regard to South Manchuria put various restrictions upon the most important demands, namely those relating to the rights regarding land tenure and objected to those relating to Eastern Inner Mongolia and various questions enumerated under Group V on the ground that they were derogatory to the sovereign rights of China or conflicted with treaties with other Powers and, although the Japanese Minister explained that such was not the case, they refused to listen.

But, recognizing that a satisfactory conclusion of the negotiations was most important for the maintenance of peace of the Far East, the Japanese Government treated the Chinese contentions with every consideration, making very great concessions. In a spirit of conciliation they amended their proposals and presented their revised draft to the Chinese Government on April 26. In the revised draft the contentions put forward by the Chinese Government were taken into consideration. In this draft, as regards Eastern Inner Mongolia, the demands were confined, for the present, to absolutely necessary matters; those relating to the Hanyehping Company were confined to matters which had been admitted by the Chinese Government at the conferences. As regards the demand respecting the non-alienation of the coast, the form desired by the Chinese was accepted. The proposals relating to advisers, ownership of land for schools and hospitals, and the position of the Province of Fukien were all altered in accordance with the views expressed by the Chinese representatives at the conferences. As regards South China railways, the relations with third parties especilly were respected and alterations were made accordingly. The question of the right of preaching was reserved for future negotiation. Those relating to police and the ownership of sites for temples were withdrawn.

The revised draft is therefore practically as follows:—

Group II. Eastern Inner Mongolia is excluded from the proposals respecting South Manchuria and Eastern Inner Mongolia and the second and third articles are amended as follows:

Article 2. Japanese subjects shall be permitted in the region of South Manchuria to lease or buy land necessary for erecting buildings of various kinds for commercial and industrial uses or for agricultural purposes.

Article 3. Japanese subjects shall have liberty to enter, travel and reside in the region of South Manchuria and carry on business of various kinds, commercial, and industrial and otherwise.

The fourth article, referring to the preceding two provisions, says that Japanese subjects shall produce before the Chinese local authorities passports duly issued and registered by the said authorities. They shall also observe Chinese police laws or regulations approved by the Japanese consuls and pay to the Chinese authorities taxes approved by the Japanese consuls. In civil, original suits the Japanese consul, where a Japanese subject is defendant, and a Chinese official, where a Chinese is defendant, shall respectively try and decide the case, both the Japanese consul and the Chinese official being permitted each to send an authorized agent to attend the trial and watch proceedings, provided that in a civil suit concerning land between Japanese and Chinese the case shall be examined and decided jointly by the Japanese consul and a Chinese official according to the laws and local customs of China, provided further that in future when the judicial system in the said region shall be completely reformed all civil and criminal suits involving Japanese subjects shall be wholly tried and decided by Chinese courts.

Proposals relating to Eastern Inner Mongolia:—

The first article demands that China shall permit joint enterprises of Japanese and Chinese in agricultural and auxiliary industries, the second that China shall consult Japan first in case China contemplates contracting either railway loans or loans secured by taxes, and the third that China shall increase the number of open marts.

Group III. As regards the Hanyehping Company the Chinese Government shall engage to approve of an agreement that may be concluded in future between the company and Japanese capitalists for a joint undertaking, and agrees not to confiscate it nor to nationalize it without the consent of interested Japanese capitalists and not to permit it to contract any foreign loan with other than Japanese.

GROUP IV. As regards the non-alienation of Chinese coasts, the Japanese Government will be satisfied with the declaration as suggested by the Chinese Government.

GROUP V. As to the other points the following shall be kept on record:

Article 1. That the Chinese Government will in case of necessity in future employ Japanese advisers.

Article 2. In case Japanese subjects desire to lease or purchase land for the purpose of building schools or hospitals in the interior, the Chinese Government will permit them to do so.

Article 3. The Chinese Government will some day in the future send military officers to Japan in order to make arrangements directly with the Japanese military authorities either for the purchase of arms from Japan or for establishing an arsenal [arsenals?] in China under Sino-Japanese management.

Article 4. The Chinese Government will grant Japan her desired railway concession in South China in case it becomes clear that there is no objection in this respect on the part of any other Power, or that the Chinese Government will refrain from entering into any agreement with any other party concerning the railway lines in question until Japan may, independently of the present negotiations with China, reach an agreement with the party whose interests, in the opinion of the Chinese Government, are opposed to the proposed lines.

Article 5. The question of freedom for preaching by Japanese missionaries will be left over for future discussion.

The proposal for joint administration of police is withdrawn.

As to Fukien Province the Chinese Government must engage in some form that they will not grant to any other Power the right to build a shipyard, coaling or naval stations, or any other military establishment on or along the coast of Fukien Province, and further, that the Chinese Government will not allow any such establishment to be built with any foreign capital on the coast of the said province.

At the same time as the presentation of the revised draft, the Japanese Government declared to the Chinese Government that if, at any peace conference upon the conclusion of the present war, Japan should be given the free disposal of Kiaochow which she acquired at enormous sacrifice, she would return it to China subject to certain conditions, of which the principal ones were as follows:

The opening of Kiaochow Bay as a commercial port.

The establishment of a Japanese concession in a locality designated by the Japanese.

This establishment, if required by the Powers, of an international settlement and arrangements between the Japanese and Chinese Governments regarding the disposal of the German public structures and properties.

Germany having after many years labor and heavy expenditure of money converted Kiaochow into an important military and commercial port, as the basis of her expansion in the East, German influence in this part of China grew with the development of Kiaochow and became so firmly established that it was utterly hopeless for China, singlehanded, to regain possession of the leased territory. Japan desiring to remove this source of danger, which might in future again disturb the peace of the Far East, captured it at no small cost of life and money, and now that it is in her hands, she is almost at liberty to dispose of it at will. She is certainly under no obligation to return it to China, but she offered of her own will to return Kiaochow because she was anxious to promote friendly relations with China and to maintain the general peace of the Far East. The Chinese Government have, however, failed to reciprocate Japan's sentiment of accommodation and conciliation, and on May 1, presented a counter-draft which they declared to be their final answer.

In this counter-draft, the Chinese Government recognize with regard to South Manchuria the right of residence, trade and leasing land by Japanese subjects in the interior, but refuse to grant long leases.

The Chinese Government also demand that Japanese subjects shall submit to Chinese police laws and regulations, be liable to the same taxes and duties as Chinese, and all actions arising out of land disputes, whether between Japanese and Chinese, or between Japanese themselves, shall come under the jurisdiction of Chinese courts.

As regards Eastern Inner Mongolia, they put limitations on the extent of that region and refuse to permit the main point of the Japanese demand, which is the joint enterprise of Japanese and Chinese in agriculture and auxiliary industries.

Further they demand at the same time the unconditional surrender of the leased territory at Kiaochow, and the recognition of the right of the Chinese Government to participate in the coming peace negotiations between Japan and Germany.

Indemnification by Japan for all losses suffered by China in consequence of the Japan-German war.

The immediate removal of various military establishments of the Japanese army and the prompt evacuation of occupied territory.

They also refuse all the proposals contained in Group V of the Japanese amended project except that relating to Fukien. In this counter-draft the Chinese Government, still further in disregard of responsible statements made by their representatives at the conferences, revived in some cases articles which had already been withdrawn and in others made alterations in matters which were agreed to. Moreover, they make demands to which it is clearly impossible for Japan to accede, such as those for the unconditional surrender of Kiaochow and indemnification for losses incurred through the Japan-German war.

Furthermore, the Chinese Government declare that their counter-draft formulates their final decision. Accordingly, so long as Japan refuses to accede to these demands, whatever agreement may have been arrived at on other points must ultimately be abortive and the terms offered by China prove illusory. The Japanese Government deeply regret to perceive from the attitude of the Chinese Government that it is no longer any use to continue the present negotiations. Nevertheless, being desirous, with a view to the maintenance of peace in the Far East, to make every effort to bring the negotiations to a satisfactory conclusion and thus to avoid complications in the situation, the Japanese Government, taking fully into account the wishes of the Chinese Government, decided with great forbearance, to leave out of the present negotiations and reserve for future discussion all items specified in Group V of the amended draft, except that relating to Fukien, about which an agreement has been reached.

The Japanese Government instructed their Minister at Peking on May 6 that in conveying this decision to the Chinese Government he should earnestly advise them to give due regard to Japan's sentiment of accommodation and conciliation and express after careful consideration their assent without delay to the Japanese amended draft; and at the same time announce that the Japanese Government expect from the Chinese Government a satisfactory response to this advice not later than 6 p. m. on May 9.

File No. 793.94/371.

Chargé Wheeler to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokyo, May 24, 1915—11 p. m.

Today's newspapers here print telegrams from Peking stating that the Government of the United States has presented to China and Japan a note of warning in the sense that the United States cannot recognize any agreements in the treaty about to be concluded which conflict with the principles of the open door and equal opportunity or with China's sovereign rights or territorial integrity. Editorial comment, excepting in papers disposed not to credit the report, resentful, alleging that adequate explanations had been given that should make such representations at this late date uncalled for. It is expected that the opposition, which has begun a bitter attack on the Government in the Diet, will make the matter a subject of discussion.

WHEELER.

File No. 793.94/371.

The Secretary of State to Chargé Wheeler.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 24, 1915—5 p. m.

The note to China to which you refer is identic with the one telegraphed you May 11, 5 p. m., and which you communicated to the Foreign Office May 13. Department does not understand why this note should cause criticism.

BRYAN.

File No. 793.94/399.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 633] AMERICAN LEGATION,
Peking, May 25, 1915.

SIR: I have the honor to report that, in accordance with the Department's telegraphic instruction of May 11, 5 p. m., I presented to the Minister of Foreign Affairs on Thursday, the 13th instant, a note textually in the terms of your instruction.

The Minister of Foreign Affairs, in receiving your note, stated that throughout the negotiations with Japan it had been his endeavor to safeguard the treaty rights of other nations with which he conceived China's rights themselves were bound up. He asked me specifically what provisions of the proposed agreement on the additional demands seemed so objectionable to my Government that a protest on such provisions would have to be anticipated; to which I replied that my Government had not instructed me to protest against any particular proposal but that it trusted in the respect of the contracting Governments for treaty rights and insisted that the rights referred to in the note should be given complete protection in the framing of the definite provisions of the treaty. There was then some discussion of the feasibility of adding to the treaty to be made a general saving clause to the effect that the "provisions of this treaty shall be given an interpretation not inconsistent with the treaty rights of other nations, etc."

During the conversation, the Minister of Foreign Affairs admitted that there was some thought of making a secret arrangement respecting the sanction of police and tax regulations affecting Japanese resident in Manchuria. I pointed out to his excellency at the time that any rights of residence granted to the Japanese in Manchuria would, by operation of the most-favored-nation clause, accrue in like terms to all other nations having treaties with China and that they would therefore be entitled to be informed of all the terms of the arrangement affecting such rights.

Upon receiving your telegraphic instruction of May 15, 6 p. m., I wrote to the Minister of Foreign Affairs as follows:

"In view of my conversation with your excellency on Thursday last, in which we touched upon the clause in the explanatory note accompanying the Japanese memorandum of May 7 which refers to the approval of tax and police regulations in South Manchuria, I have the honor to state that I take it for granted

that the Government of the United States will be notified of any provision in the treaty and subsidiary agreements now being negotiated by which the status of foreigners in China or in any part thereof would be affected. Such notification is necessary to enable the Government of the United States to share in privileges which may accrue under the most-favored-nation treatment guaranteed by the treaties.

When this matter was discussed in the diplomatic conference, the Japanese representative stated that the application of the most-favored-nation treatment to the matter of residence in Manchuria would have to be worked out by China with the individual nations concerned.

In one of the conversations with a member of the Foreign Office, I was asked whether the presentation of the note implied a resolution on the part of the American Government to call for a revision of the treaty if it were concluded in terms considered unacceptable by it under the existing treaties. I stated that the Government had not expressed itself on that point, but that through the action of giving this formal notice it had kept its hands perfectly free to take whatever measures it might later deem necessary for the full protection of the rights and policies referred to in the note.

I have [etc.]

PAUL S. REINSCH.

File No. 793.94/400.

Chargé Wheeler to the Secretary of State.

No. 279.] AMERICAN EMBASSY,
Tokyo, May 26, 1915.

SIR: On the 24th instant I had the honor to telegraph the Department that the Tokyo newspapers of that date contained telegrams from Peking stating that the United States had presented to China and Japan a note of warning to the effect that it cannot recognize any agreements, in the Sino-Japanese treaty about to be concluded, which conflict with the principles of the open door and equal opportunity, or with China's sovereign rights or territorial integrity. My telegram stated that the general tone of editorial comment on the report was resentful.

I attach hereto, as enclosure, translations from the vernacular newspapers.[17]

While it was apparent that the identic note referred to was the one embraced in the Department's telegram of May 11, 5 p. m., and communicated by me to the Foreign Office on May 13, I was apprehensive that any popular resentment, from whatever misunderstanding it may have arisen, might be utilized by the opposition (which has been grasping at any weapon capable of being used against the administration) and thus result in a lingering irritation against the United States. Today's newspapers, however, contain a paragraph telegraphed from Washington stating, on authority said to be official, that the American note to Japan and China is "merely of a legal nature, designed chiefly to affect the phraseology of the new treaty" and that no difficulties are looked for.

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[17] Not printed.

In view of this statement I do not anticipate that unfriendly comment on the incident will continue.

I have [etc.]

POST WHEELER,

File No. 793.94/430.

Chargé Wheeler to the Secretary of State.

AMERICAN EMBASSY,
Tokyo, June 8, 1915.

SIR: I have the honor to transmit herewith a printed copy (with translation) of the documents relative to the recent negotiations between Japan and China, which will be made public tomorrow.

The treaties were ratified by the Emperor yesterday and the ratifications were exchanged here this afternoon.

I have [etc.]

POST WHEELER.

[Inclosure—Translation.]

THE DOCUMENTS REGARDING THE NEGOTIATIONS BETWEEN JAPAN AND CHINA.

(1915)

I.

INSTRUCTIONS GIVEN BY BARON KATO TO MR. HIOKI.

(*Handed in Tokyo, Dec. 3, 1914.*)

In order to provide for the readjustment of affairs consequent on the Japan-German war and for the purpose of ensuring a lasting peace in the Far East by strengthening the position of the Empire, the Imperial Government have resolved to approach the Chinese Government with a view to conclude treaties and agreements mainly along the lines laid down in the first four groups of the appended proposals. Of these, the first group relates to the settlement of the Shantung question, while the second group has for its chief aim the defining of Japan's position in South Manchuria and Eastern Inner Mongolia, that is to say, securing at this time from the Chinese Government full recognition of Japan's natural position in these regions, absence of which has hitherto been the cause for various questions tending to estrange the feelings of the two peoples towards each other. The object of the third group is to safeguard the best interest of the Han-yeh-ping Company, with which Japanese capitalists are closely identified. It will thus be seen that there is nothing especially new in our proposals embodied in the foregoing three groups, while as regards the fourth group, it is only intended to emphasize the principle of China's territorial integrity, which has so often been declared by the Imperial Government.

Believing it absolutely essential, for strengthening Japan's position in Eastern Asia as well as for preservation of the general interests of that region, to secure China's adherence to the foregoing proposals, the Imperial Government are determined to attain this end by all means within their power. You are, therefore requested to use your best endeavour in the conduct of the negotiations, which are hereby placed in your hands.

As regards the proposals contained in the fifth group, they are presented as the wishes of the Imperial Government. The matters which are dealt with under this category are entirely different in character from those which are included in the first four groups. An adjustment, at this time, of these matters, some of which have been pending between the two countries, being nevertheless highly desirable for the advancement of the friendly relations between Japan and China as well as for safeguarding their common interests, you are also requested to exercise your best efforts to have our wishes carried out.

It is very likely that in the course of these negotiations the Chinese Government desire to find out the attitude of the Imperial Government on the question of the disposition of the leased territory of Kiaochou Bay. If the Chinese Government will accept our proposals as above stated, the Imperial Government may, with due regard to the principle of China's territorial integrity and in the interest of the friendship of the two countries, well consider the question with a view to restoring the said territory to China, in the event of Japan's being given free hand in the disposition thereof as the result of the coming peace conference between Japan and Germany. As, however, it will be absolutely necessary, in restoring the said territory to China, to lay certain conditions such as the opening of the territory for foreign trade, establishment of a Japanese settlement, etc., you will ask for further instructions when you propose to declare to the Chinese Government the willingness of the Imperial Government to consider the question.

I avail, &c.

GROUP I.

The Japanese Government and the Chinese Government, being desirous to maintain the general peace in the Far East and to strengthen the relations of amity and good neighbourhood existing between the two countries, agree to the following articles:

Art. I. The Chinese Government engage to give full assent to all matters that the Japanese Government may hereafter agree with the German Government respecting the disposition of all the rights, interests and concessions, which, in virtue of treaties or otherwise, Germany possesses *vis-à-vis* China in relation to the Province of Shantung.

Art. II. The Chinese Government engage that, within the Province of Shantung or along its coast, no territory or island will be ceded or leased to any other Power, under any pretext whatever.

Art. III. The Chinese Government agree to Japan's building a railway connecting Chefoo or Lungkow with the Kiaochou-Tsinanfu Railway.

Art. IV. The Chinese Government engage to open of their own accord, as soon as possible, certain important cities and towns in the Province of Shantung for the residence and commerce of foreigners. The place to be so opened shall be decided upon in a separate agreement.

GROUP II.

The Japanese Government and the Chinese Government, in view of the fact that the Chinese Government has always recognized the predominant position of Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

Art. I. The two contracting parties mutually agree that the term of the lease of Port Arthur and Dairen and the term respecting the South Manchuria Railway and the Antung-Mukden Railway shall be extended to a further period of 99 years respectively.

Art. II. The Japanese subjects shall be permitted in South Manchuria and Eastern Inner Mongolia to lease or own land required either for erecting buildings for various commercial and industrial uses or for farming.

Art. III. The Japanese subjects shall have liberty to enter, reside and travel in South Manchuria and Eastern Inner Mongolia, and to carry on business of various kinds—commercial, industrial and otherwise.

Art. IV. The Chinese Government grant to the Japanese subjects the right of mining in South Manchuria and Eastern Inner Mongolia. As regards the mines to be worked, they shall be decided upon in a separate agreement.

Art. V. The Chinese Government agree that the consent of the Japanese Government shall be obtained in advance, (1) whenever it is proposed to grant to other nationals the right of constructing a railway or to obtain from other nationals the supply of funds for constructing a railway in South Manchuria and Eastern Inner Mongolia, and (2) whenever a loan is to be made with any other Power, under security of the taxes of South Manchuria and Eastern Inner Mongolia.

Art. VI. The Chinese Government engage that whenever the Chinese Government need the service of political, financial or military advisers or instructors in South Manchuria or in Eastern Inner Mongolia, Japan shall first be consulted.

Art. VII. The Chinese Government agree that the control and management of the Kirin-Changchun Railway shall be handed over to Japan for a term of 99 years dating from the signing of this treaty.

GROUP III.

The Japanese Government and the Chinese Government, having regard to the close relations existing between Japanese capitalists and the Han-yeh-ping Company and desiring to promote the common interests of the two nations, agree to the following articles:

Art. I. The two contracting parties mutually agree that when the opportune moment arrives the Han-yeh-ping Company shall be made a joint concern of the two nations, and that, without the consent of the Japanese Government, the Chinese Government shall not dispose or permit the company to dispose of any right or property of the company.

Art. II. The Chinese Government engage that, as a necessary measure for protection of the invested interests of Japanese capitalists, no mines in the neighbourhood of those owned by the Han-yeh-ping Company shall be permitted, without the consent of the said company, to be worked by anyone other than the said company; and further that whenever it is proposed to take any other measure which may likely affect the interests of the said company directly or indirectly, the consent of the said company shall first be obtained.

GROUP IV.

The Japanese Government and the Chinese Government, with the object of effectively preserving the territorial integrity of China, agree to the following article:

The Chinese Government engage not to cede or lease to any other Power any harbour or bay on or any island along the coast of China.

GROUP V.

1. The Chinese Central Government to engage influential Japanese as political, financial and military advisers;

2. The Chinese Government to grant the Japanese hospitals, temples and schools in the interior of China the right to own land;

3. In the face of many police disputes which have hitherto arisen between Japan and China, causing no little annoyance, the police, in localities (in China) where such arrangements are necessary, to be placed under joint Japanese and Chinese administration, or Japanese to be employed in police offices in such localities, so as to help at the same time the improvement of the Chinese police service;

4. China to obtain from Japan supply of a certain quantity of arms, or to establish an arsenal in China under joint Japanese and Chinese management and to be supplied with experts and materials from Japan;

5. In order to help the development of the Nanchang-Kiukiang Railway, with which Japanese capitalists are so closely identified, and with due regard to the negotiations which have for years been pending between Japan and China in relation to the railway question in South China, China to agree to give to Japan the right of constructing a railway to connect Wuchang with the Kiukiang-Nanchang line, and also the railways between Nanchang and Hangchou and between Nanchang and Chaochou;

6. I view of the relations between the Province of Fukien and Formosa and of the agreement respecting the non-alienation of that province, Japan to be consulted first whenever foreign capital is needed in connection with the railways, mines and harbour works (including dockyards) in the Province of Fukien;

7. China to grant to Japanese subjects the right of preaching in China.

II.

COUNTER PROJECT OF THE CHINESE GOVERNMENT.

(Handed to Mr. Hioki on Feb. 12th, 1915.)

GROUP I.

The Governments of China and Japan, being sincerely desirous to maintain the general peace of the Far East and further strengthen the friendly relations and good neighbourhood subsisting between the two countries, have concluded the following articles:

Art. I. The Chinese Government declare that they will give full assent to the dispositions that may hereafter be agreed upon between the Japanese and German Governments in regard to all interests which Germany possesses in the Province of Shantung by virtue of treaties or recorded cases (excepting the provisions of Section I of the Convention for the Lease of Kiaochou to Germany).

The Japanese Government declare that, when the assent of the Chinese Government in regard to the interests above referred to has been given, Japan will restore Kiaochou to China, and they recognize the right of the Chinese Government to participate in the negotiations mentioned in the preceding clause between the Japanese and German Governments.

Art. II. The Japanese Government agree that they will be entirely responsible in regard to indemnification for losses of all kinds occasioned by Japan's military operations in Kiaochou; and although the customs, telegraphs and posts within the leased territory of Kiaochou will, pending the restoration of Kiaochou, be administered for the present as heretofore, the military railways and telegraphs which were constructed for the use of the Japanese troops will be immediately removed; and the Japanese forces remaining outside the leased territory of Kiaochou will first be withdrawn and those remaining within the said territory will be completely withdrawn at the time of the restoration of Kiaochou to China.

Art. III. In case the Chinese Government propose themselves to contruct a railway from Chefoo or Lungkou to connect with the Kiaochou-Tsinan Railway and raise a foreign loan for the purpose, they agree, provided Germany is willing to abandon the right to furnish capital for the Chefoo-Weihsien line, to negotiate first with Japanese capitalists.

Art. IV. The Chinese Government agree, for purposes of foreign trade, to select suitable places in the Province of Shantung and open them as marts; and the regulations relating to such marts will be determined by China herself.

GROUP II.

The Japanese Government declare that they will always respect the complete sovereignty of China in the Three Eastern Provinces, and accordingly the Chinese and Japanese Governments have, with a view to the development of their commercial relations in the southern portion of the Three Eastern Provinces, agreed upon the following articles:

Art. I. The Chinese Government agree that the term of lease of Port Arthur and Dairen shall be extended to ninety-nine years, expiring in the eighty-sixth year of the Republic or in the year 1997 of the Christian era, and that the time for the restoration of the entire South Manchuria Railway to China shall be extended to ninety-nine years, falling due in the ninetieth year of the Republic or in the year 2001 of the Christian era, and further that in all other matters the provisions of the respective original treaties shall be adhered to.

Art. II. The Chinese Government consent, upon the expiration of the term of the Japanese management of the Antung-Mukden Railway, to negotiate with Japan respecting the manner of extending the said term and to continue to carry into effect all other provisions according to Art. VI of the Annex to the Agreement relating to Manchuria concluded between Japan and China.

Art. III. The Chinese Government shall select places, in addition to the marts already opened, in the Three Eastern Provinces and of their own accord open them to trade, and after fixing the boundary lines, permit merchants of Japan and other countries freely to reside, trade and carry on commercial and industrial business of all kinds, and also to rent land, after fair negotiation with the respective owners of such land with regard to rental, for the erection of buildings required for commercial and industrial purposes. Such merchants, however, shall equally pay taxes and contributions imposed upon them.

Art. IV. If, not later than one full year from the day on which the present agreement is signed, any Japanese syndicate desires to engage in mining in the southern portion of the Three Eastern Provinces, the Chinese Government shall consent to grant to such syndicate for the term of one year only the privilege of prospecting mines in that region with the exception of those on which prospecting or mining has already been commenced. Of the mines which have been examined, permission shall be granted to work one-half the number according to the provisions of the Chinese mining law; and the remaining mines shall be disposed of by China herself.

Art. V. The Chinese Government agree that if it is found necessary hereafter to construct railways in the southern portion of the Three Eastern

Provinces, they will construct them with capital provided by China herself; and if foreign capital is required, they will first negotiate for a loan with Japanese capitalists.

Art. VI. The Chinese Government declare that if it is proposed hereafter to employ foreign advisers in regard to political, financial and military affairs of the southern portion of the Three Eastern Provinces, preference will be given to Japanese.

Art. VII. The existing treaties between China and Japan in regard to the Three Eastern Provinces shall remain in force as heretofore except as otherwise provided for in the present agreement.

GROUP III.

NOTES TO BE EXCHANGED RESPECTING THE HAN-YEH-PING COMPANY.

As the Han-yeh-ping Company, being a Chinese commercial concern, has undoubtedly, according to the laws of China, the right to preserve its property and conduct and supervise its business, the Chinese Government do not find it proper to take measures immediately in its behalf without first consulting the company. If, however, the company desires on a future occasion to come to agreement with Japanese capitalists for the joint management of its present business, the Chinese Government will give permission in so far as such step does not conflict with the laws of the country.

III.

THE AMENDED JAPANESE PROPOSALS.

(Presented to the Chinese Government by Mr. Hioki on April 26, 1915.)

GROUP I.

The Japanese Government and the Chinese Government, being desirous to maintain the general peace in the Far East and to further strengthen the relations of amity and good neighbourhood existing between the two countries, agree to the following articles:

Art. I. The Chinese Government engage to give full assent to all matters that the Japanese Government may hereafter agree with the German Government respecting the disposition of all the rights, interests and concessions, which, in virtue of treaties or otherwise, Germany possesses *vis-à-vis* China in relation to the Province of Shantung.

Art. II. (An exchange of notes may be acceptable) The Chinese Government declare that, within the Province of Shantung or along its coast, no territory or island will be ceded or leased to any other Power, under any pretext whatever.

Art. III. The Chinese Government engage that, in case they undertake the construction of a railway connecting Chefoo or Lungkow with the Kiaochou-Tsinanfu Railway, they shall, in the event of Germany's surrendering her right of providing capital for the Chefoo-Weihsien railway line, enter into negotiations with Japanese capitalists for the purpose of financing the said undertaking.

Art. IV. The Chinese Government engage to open of their own accord, as soon as possible, certain important cities and towns in the Province of Shantung for the residence and commerce of foreigners.

(Supplementary exchange of Notes.)

The places to be opened and the regulations therefor shall be determined by the Chinese Government after consultation with the Japanese Minister.

GROUP II.

The Japanese Government and the Chinese Government, with the object of developing the economic relations of the two countries in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

Art. I. The two contracting parties mutually agree that the term of the lease of Port Arthur and Dairen and the term respecting the South Manchuria Rail-

way and the Antung-Mukden Railway shall be extended to a period of 99 years respectively.

(*Supplementary exchange of Notes.*)

The term of the lease of Port Arthur and Dairen shall expire in the 86th year of the Republic or 1997 A. D. The date for reversion to China of the South Manchuria Railway shall fall due in the 91st year of the Republic or 2002 A. D. The clause of Article 12 of the original Chinese Eastern Railway Agreement, that after 36 years from the commencement of traffic, China may take over the line on payment, etc., is hereby cancelled. The term of the Antung-Mukden Railway shall expire in the 96th year of the Republic, or 2007 A. D.

Art. II. The Japanese subjects shall be permitted in South Manchuria to lease or purchase land required either for erecting buildings for various commercial and industrial uses or for agricultural purposes.

Art. III. The Japanese subjects shall have liberty to enter, reside and travel in South Manchuria, and to carry on business of various kinds—commercial, industrial and otherwise.

Referring to the present and preceding two articles, the Japanese subjects shall produce before the Chinese local authorities the passports duly issued, and be registered by the said authorities. They shall also observe the Chinese police laws or regulations approved by the Japanese consuls and pay to the Chinese authorities the taxes approved by the Japanese consuls. In civil and criminal suits, the Japanese consul, where a Japanese subject is the defendant, and the Chinese official, where a Chinese citizen is the defendant, shall respectively try and decide the case, both the Japanese consul and the Chinese official being permitted each to send his agent to attend the trial by the other and watch proceedings; provided that in a civil suit concerning land between Japanese and Chinese, the case shall be tried and decided jointly by the Japanese consul and the Chinese official according to the laws and local usages of China; provided further that in the future when the judicial system in the said region shall have been completely reformed, all civil and criminal suits involving Japanese subjects shall be wholly tried and decided by the Chinese law courts.

Art. IV. (An exchange of notes may be acceptable). The Chinese Government permit the Japanese subjects immediately to investigate, select, and then prospect for and open mines at the following places in South Manchuria, excepting those mining areas which have already been prospected for or worked; provided that until the mining law becomes definitely operative practices at present in force shall be followed.

Province of Fengtien.

Locality.	District	Mineral
Niu Hsin T'ai	Pen-hsi	Coal.
Tien Shih Fu Kou	Pen-hsi	"
Sha Sung Kang	Hai-lung	"
T'ieh Ch'ang	T'ung-hua	"
Nuan Ti T'ang	Chin	"
An Shan Chan region	From Liao-yeng to Pen-hsi	Iron.

Province of Kirin (southern portion).

Locality.	District.	Mineral.
Sha Sung Kang	Ho-lung	Coal and Iron.
Kang Yao	Kirin	Coal.
Chia P'i Kou	Hua-tien	Gold.

Art. V. (An exchange of notes may be acceptable) The Chinese Government agree that they will hereafter build railways in South Manchuria with funds from Chinese sources, and if foreign capital is required preference shall be given to Japanese capitalists; and that in case a foreign loan is to be made on the security of the taxes of South Manchuria (excepting the customs and salt revenues which are already made the securities for loans contracted by the Central Government) preference shall be given to Japanese capitalists.

Art. VI. (An exchange of notes may be acceptable) The Chinese Government declare that whenever in future the Chinese Government propose to

employ foreign political, financial, military or police advisers or instructors in South Manchuria, Japanese will be employed first.

Art. VII. The Chinese Government agree to make speedily a fundamental revision of the Kirin-Changchun Railway Loan Agreement, taking as a standard the provisions in railway loan agreements made heretofore between China and foreign capitalists. If, in future, more advantageous terms than those in the existing railway loan agreements are granted to foreign capitalists in connection with railway loans, the above-mentioned Kirin-Changchun Railway Agreement shall, if so desired by Japan, again be revised.

Art. VIII. All existing treaties between Japan and China relating to Manchuria shall, except as otherwise provided in this convention, remain in force.

Matters relating to Eastern Inner Mongolia.

1. The Chinese Government agree that whenever in future a foreign loan is to be made on the security of the taxes of Eastern Inner Mongolia the Japanese Government will be consulted first.

2. The Chinese Government agree that in future they will build railways in Eastern Inner Mongolia with funds from Chinese sources, and if foreign capital is required the Japanese Government will be consulted first.

3. The Chinese Government agree to open of their own accord, as soon as possible, suitable places in Eastern Inner Mongolia for the residence and trade of foreigners. The places to be so opened and the regulations therefor shall be determined by the Chinese Government after consultation with the Japanese Minister.

4. In the event of Japanese and Chinese desiring jointly to undertake agricultural enterprises and industries auxiliary thereto in Eastern Inner Mongolia, the Chinese Government shall give their permission.

GROUP III.

In view of the close relations between Japan and the Han-Yeh-Ping Company, the Chinese Government shall approve the agreement that may hereafter be reached by those interested in the said company with Japanese capitalists for its joint undertaking, nor shall the Chinese Government confiscate the company, nor shall, without consent of the Japanese capitalists, nationalize it, nor shall permit it to contract any foreign loan other than Japanese.

GROUP IV.

The Chinese Government to make the following declaration:

The Chinese Government will not cede or lease to any other Power any bay, harbour or island along the coast of China.

GROUP V.

1. (Notes to be exchanged) The Chinese Government shall not permit any Power to construct a dockyard, a coaling station for military use, or a naval base or to set up any other military establishment on the coast of Fukien Province, nor shall they allow any like establishment to be set up with any foreign capital on the said coast.

2. (Notes to be exchanged) As regards the right of financing a railway to connect Wuchang with the Kiukiang-Nanchang Line, and the Nanchang-Hangchou and Nanchang-Chaochou railways, the Chinese Government shall either grant it to Japan, in case it is clearly ascertained that there is no objection on the part of any other foreign Power, or refrain from granting it to any other Power before the Japanese Government come to an understanding directly with the other Power which is interested in these railway schemes.

3. (Mr. Lu, the Minister of Foreign Affairs of China, stated as follows:)

a. The Chinese Government will, in case of necessity in future, employ Japanese advisers;

b. Whenever the Japanese subjects desire to lease or purchase land for the purpose of building schools and hospitals in the interior of China, the Chinese Government will permit them to do so;

c. Some day in future when a suitable opportunity arrives, the Chinese Government will send military officers to Japan in order to make arrangements directly with the military authorities of Japan either for purchase of arms or for establishing an arsenal in China under joint Japanese and Chinese management.

4. (Mr. Hioki, the Japanese Minister, stated as follows:)
As regards the question of the right of preaching of Japanese in China, it will be left for future discussion.
5. The proposal relating to the police administration. (Withdrawn.)

The Japanese Government engage that, if the Chinese Government accept the Japanese revised proposals as above stated, the leased territory of Kiaochou Bay shall be returned to China, in the event of the said territory being left to the free disposal of Japan as the result of the peace conference upon conclusion of the present war, on the following conditions:
1. To open the entire territory as a commercial port;
2. To permit a Japanese settlement to be established in the area to be designated by Japan;
3. To permit an international settlement to be established, if desired by the Powers;
4. Arrangements to be made between Japan and China, before the restoration of the territory to China, regarding the disposition of the German establishments and with respect to the other conditions and procedures.

At the time of the presentation of the above revised proposals, Mr. Hioki declared to the Chinese Government as follows:
The wording or choice of terms and phrases adopted in the above project may be changed or amended at the time of its final redaction.

IV.

THE FINAL AMENDED PROJECT OF THE CHINESE GOVERNMENT.

(Handed to Mr. Hioki on May 1st, 1915.)

GROUP I.

The Governments of China and Japan, being sincerely desirous to maintain the general peace of the Far East and further strengthen the friendly relations and good neighbourhood subsisting between the two countries, have concluded the following articles:

Art. I. The Chinese Government declare that they will give full assent to the dispositions that may hereafter be agreed upon between the Japanese and German Governments in regard to all interests which Germany possesses in the Province of Shantung by virtue of treaties or recorded cases.

The Japanese Government declare that when the assent of the Chinese Government in regard to the interests above referred to has been given, Japan will restore Kiaochou to China, and recognize the right of the Chinese Government to participate in the negotiations between the Japanese and German Governments.

Art. II. The Japanese Government agree that they will be entirely responsible in regard to indemnification for losses of all kinds occasioned by Japan's military operations in Kiaochou, and also that the customs, telegraphs, and posts within the leased territory of Kiaochou shall, pending the restoration of Kiaochou, be administered for the present as heretofore. The military railways and telegraphs which were constructed for the use of the Japanese troops shall be immediately removed and the Japanese forces remaining outside the leased territory of Kiaochou shall first be withdrawn, and those remaining within the said territory shall be completely withdrawn at the time of restoration of Kiaochou to China.

Art. III. (Draft for exchange of notes.)

The Chinese Government declare that they will not transfer or lease to another Power, under any designation whatever, any territory within the Province of Shantung or any zone of land or any island along the coast thereof.

Art. IV. In case the Chinese Government propose to construct themselves a railway from Chefoo or Lungkou to connect with the Kiaochou-Tsinan Railway and raise a foreign loan for the purpose, they engage, provided Germany is willing to abandon the right to furnish capital for the Chefoo-Weihsien line, to negotiate for a loan with Japanese capitalists.

Art. V. The Chinese Government engage, for the residence and trade of foreigners, to open of their own accord, as soon as possible, suitable places in the Province of Shantung as marts.

(*Draft for exchange of notes.*)

The places to be so opened shall be selected and regulations relative thereto framed by the Chinese Government and decided upon after consultation with the Japanese Minister.

Art. VI. The foregoing articles relating to the transfer and other matters that are to be settled in the future negotiations between the Japanese and German Governments, in the event of their failure to come to a definite agreement, the provisional engagements made in this treaty shall become null and void. [Sic.]

GROUP II.

The Chinese and Japanese Governments, with a view to the development of their economic relations in South Manchuria, have concluded the following articles:—

Art. I. The two high contracting parties engage to extend to ninety-nine years the term of lease of Port Arthur and Dairen and the terms of the South Manchuria and Antung-Mukden Railways.

(*Draft for exchange of notes.*)

The term of lease of Port Arthur and Dairen shall expire in the eighty-sixth year of the Republic, or in the year 1997 of the Christian era, and the time for the restoration of the South Manchuria Railway shall fall due in the ninety-first year of the Republic, or in the year 2002 of the Christian era. The Clause in Art. 12 of the original Chinese Eastern Railway Convention stipulating that the Chinese Government shall have the right to recover the railway by purchase upon expiration of thirty-six years from the day on which it is opened for traffic, shall become null and void. The term of the Antung-Mukden Railway shall fall due in the ninety-sixth year of the Republic, or in the year 2007 of the Christian era.

Art. II. Japanese subjects may lease from the owners land required for the erection of buildings for commercial and industrial uses and that required for agricultural purposes in South Manchuria.

Art. III. Japanese subjects may freely reside, travel, or engage in commercial, industrial, and other pursuits of every description in South Manchuria.

The Japanese subjects mentioned in the preceding two articles shall present for registration to the local authorities their passports duly issued, and shall observe the Chinese police laws and regulations, and pay all taxes in the same manner as Chinese.

Civil and criminal cases shall be tried and decided by the authorities of the defendant's nationality, and the proceedings may be watched by officers of the other nationality. Cases, whether between Japanese themselves or between Chinese and Japanese, arising out of disputes relating to land or lease shall be tried and decided by the Chinese authorities, and an officer may be sent by the Japanese consul to watch the proceedings. When, however, the judicial system of the region has been completely reformed all civil and criminal cases relating to Japanese subjects shall be tried entirely by Chinese courts.

Art. IV. The Chinese Government agree to effect at an early date a radical revision of the Kirin-Changchun Railway Loan Agreement on the basis of the stipulations of the railway loan agreements which have hitherto been concluded between China and capitalists of other countries.

In the event of the Chinese Government granting in future to foreign capitalists in regard to railway loans more advantageous terms than those of the existing railway loan agreements, the above-mentioned Kirin-Changchun Railway Loan Agreement shall, if so desired by Japan, again be revised.

Art. V. (Draft for exchange of notes.) The Chinese Government shall permit Japanese subjects to prospect or work, after an early examination and selection, the mines elsewhere specified in South Manchuria (excepting the mine lots which have already been prospected or are being worked). The existing arrangements shall be followed until the mining law is made definitely operative.

Art. VI. (Draft for exchange of notes.) The Chinese Government agree that, in future, they will build railways in South Manchuria with funds from Chinese sources, and if foreign capital is required preference will be given to Japanese capitalists.

If, in future, the Chinese Government propose to rise a foreign loan on the security of the taxes of South Manchuria, (excluding the customs and salt revenues which are already made the securities for loans contracted by the Central Government), they shall first consult Japanese capitalists for such a loan.

Art. VII. (Draft for exchange of notes.) The Chinese Government declare that if it is proposed, in future, to engage foreign advisers and instructors in regard to the political, financial, military and police affairs of South Manchuria, they will give the preference to Japanese.

Art. VIII. The existing treaties between China and Japan relative to Manchuria shall remain in force as heretofore, except as otherwise provided for in the present agreement.

Draft for Exchange of Notes relating to Eastern Inner Mongolia.

The Chinese Government declare that they will hereafter not pledge for foreign loans any taxes or duties, excepting the salt gabelle and customs duties, in Eastern Inner Mongolia under the jurisdiction of South Manchuria and the Jehol Intendancy.

The Chinese Government declare that, if it is proposed, in future, to construct railways in Eastern Inner Mongolia under the jurisdiction of South Manchuria and the Jehol Intendancy, China herself will provide the capital for the undertaking, and if foreign capital is required, they will first negotiate with Japanese capitalists, provided such course does not conflict with the existing agreements with the other Powers.

The Chinese Government agree to establish of their own accord open marts, as soon as possible, in suitable places in Eastern Inner Mongolia under the jurisdiction of South Manchuria and the Jehol Intendancy for the residence and trade of foreigners; and regulations relating thereto will be determined according to those of other marts already opened by China herself.

GROUP III.

The relations between Japan and the Han-Yeh-Ping Company being especially intimate, the Chinese Government shall, when the company and Japanese capitalists shall hereafter have agreed to bring it under joint management, give their consent thereto; and the Chinese Government shall not confiscate or nationalise the concern, nor permit the company to raise any foreign loan other than Japanese.

GROUP IV.

The Chinese Government to make on their own initiative the following declaration:

The Chinese Government will not transfer or lease to any other Power the bays, harbors, and islands along the coast of China.

GROUP V.

Draft of a Note to be sent by Mr. Hioki to the Chinese Minister of Foreign Affairs.

It has been rumored that the Chinese Government will permit a foreign Power to construct shipyards, military coaling stations, naval bases, and other military establishments of all kinds on the coast of Fukien Province, and also that China herself intends to construct the above establishments with the loan of foreign capital. A reply is desired as to the truth of the rumour.

Draft of a Note to be sent by the Chinese Minister of Foreign Affairs to Mr. Hioki.

In reply to your note under date the ——, the Chinese Government are in a position to declare that they will never permit a foreign Power to construct shipyards, military coaling-stations, naval bases, and other military establishments, nor have they any intention of constructing such establishments with the loan of foreign capital.

V.

JAPAN'S ULTIMATUM TO CHINA.

(Delivered by Mr. Hioki to the Chinese Minister of Foreign Affairs, May 7, 1915.)

In opening the present negotiations with the Chinese Government, the Imperial Government were actuated by the desire to adjust matters to meet the

new situation created by the war between Japan and Germany and of strengthening, in the interest of a firm and lasting peace in the Far East, the bond of amity and friendship between Japan and China by removing from the relations of the two countries various causes of misunderstanding and suspicion. Since the Imperial Government first presented their proposals to the Chinese Government in January last, twenty-five conferences have been held between the representatives of the two Governments. In these successive conferences, the Imperial Government presented their side of the case fully and frankly, while at the same time, animated by a spirit of conciliation and concord, they gave every possible consideration to the argument advanced by the Chinese Government. This fact, the Imperial Government believe, affords abundant proof of their sincere desire to bring the present negotiations to a peaceful conclusion. With the close of the twenty-fourth conference on April 17th, discussions on all questions were practically brought to an end. Thereupon the Imperial Government, in deference to the expressed wishes of the Chinese Government, considerably modified their original proposals and prepared an amended project, showing no small concessions on their part. This they presented to the Chinese Government on the 26th of the same month, with the announcement that should the Chinese Government accept it, Kiauchou Bay, which is a point of no small importance in the Far East commercially as well as strategically, and which cost Japan so much to take, would be returned to China at a proper time under fair and reasonable conditions. The reply which the Chinese Government gave on May 1st to this amended project of the Imperial Government was a total disappointment. It gave not only no indication of the Japanese amended project having been seriously examined by the Chinese Government, but also failed to show any appreciation of the friendly and generous offer of the Imperial Government. Japan, being now in possession of Kiauchou Bay, is under no obligation to return it to China. It is because of her desire to promote the friendly relations with China that Japan proposes to do so. The Imperial Government cannot conceal their keen disappointment at the utter disregard, on the part of the Chinese Government, of the sentiment which prompted them to make this offer. The Chinese Government, so far from showing an appreciation of the good will of the Imperial Government in respect of Kiauchou Bay, even demanded its unconditional surrender and called upon Japan to indemnify inevitable losses suffered by China in consequence of the war between Japan and Germany. Moreover they presented several other demands in connection with the occupied territory, and declared that they were entitled to participate in the coming peace negotiations between Japan and Germany. A demand like the unconditional surrender of Kiauchou Bay or indemnification by Japan of inevitable losses suffered by China in consequence of the Japan-German war, is one that cannot be justly accepted by the Imperial Government. Nevertheless the Chinese Government declared the last reply to be their final decision. Any agreements that have already been or may hereafter be reached as to the other points would, therefore, be of no effect, unless those inadmissible demands of China are accepted by Japan. In other words, the last reply of the Chinese Government, taken as a whole, amounts to nothing more than a rejection of the entire Japanese proposals.

In several other respects the Chinese reply is no less unsatisfactory.

As regards South Manchuria and Eastern Inner Mongolia, for instance, the Chinese Government ignored the universally recognized fact that these are the regions where, owing to geographical, political and economic reasons, Japan has special interests which have been made the more preponderating as the result of the last two wars. Some of the proposals which the Imperial Government formulated with a conciliatory spirit on the basis of the declarations made by the Chinese representative at the conference, were arbitrarily amended by the Chinese Government, thus nullifying the statement of their own responsible Minister, while in some others an inconsistent and therefore inadmissible amendment was introduced, showing thus no evidence of good faith and sincerity on their part.

As to the questions of advisers, land for schools and hospitals and supply of arms, the Imperial Government merely asked to leave on record what had been declared by the Chinese representative, while as regards the railway concessions in South China, they were satisfied with a promise that the matter would be favorably considered, in case there was no objection on the part of the other interested Powers. These proposals affected in no wise China's sovereignty or treaty obligations, but the Chinese Government refused to give their consent on the ground that they involved the question of China's sovereignty or of treaty obligations.

The Imperial Government extremely regret that they find in the attitude of the Chinese Government little use of further continuing the present negotiations. Yet the Imperial Government, who are ever solicitous for the preservation of peace in the Far East, prompted by the desire to bring the present negotiations to a satisfactory close and avoid the development of any serious complication in the situation, have decided, as a mark of their sincere good will towards the Chinese Government, to withdraw from the present negotiations and reserve for future discussion the whole of Group V, except the one item respecting Fukien Province about which agreement has been reached between the representatives of the two Governments.

The Imperial Government therefore advise the Chinese Government, in appreciation of the good will of the Imperial Government, to accept without amendment all items included in Groups I, II, III, and IV, together with the item in Group V relating to Fukien, as embodied in the Japanese amended project of April 26.

In case the Imperial Government fail to receive from the Chinese Government, before 6 p. m. of May 9, a satisfactory response to their advice they will take such independent action as they may deem necessary to meet the situation.

VI.

EXPLANATORY NOTE HANDED TO THE CHINESE MINISTER OF FOREIGN AFFAIRS BY THE JAPANESE MINISTER AT THE TIME OF THE DELIVERY OF THE ULTIMATUM, MAY 7, 1915.

1. The words "the whole of Group V, except the one item respecting Fukien Province" which appear in the latter part of the ultimatum, refer to the question (*a*) of advisers, (*b*) of land for schools and hospitals, (*c*) of railways in South China, (*d*) of arms and arsenal and (*e*) of right of preaching.

2. The acceptance by the Chinese Government of the item relating to Fukien Province, may be either in the form proposed by the Japanese Minister on April 26, or in that contained in the Chinese reply of May 1.

Although the ultimatum calls for the acceptance by China, without alteration, of the revised Japanese proposals presented on April 26, yet it should be noted that it merely states the principle, and does not apply to such exceptions as this item and items 4 and 5 of this note.

3. If the Chinese Government accept all the items as demanded in the ultimatum, the offer of the Japanese Government to restore Kiaochou Bay to China, made on April 26, will hold good.

4. The words "lease or purchase" in Art. 2 of Group II may be replaced by the words "temporary lease" or "perpetual lease," or simply by "lease" on the clear understanding that it means a long term lease with the privilege of its unconditional renewal.

5. The phrase "the Japanese Government will be consulted" in connection with questions of railway loans and loans to be secured by the taxes in Eastern Inner Mongolia, the part which refers to the location and regulations may be left to an exchange of notes, as in the case of Shantung agreement.

6. From the phrase "those interested in the said company" in Group III of the revised Japanese proposals, the words "those interested in" may be deleted.

7. The official text of the treaties and their annexes shall be in Japanese or in both Japanese and Chinese.

VII.

THE REPLY OF THE CHINESE GOVERNMENT TO THE ULTIMATUM OF THE IMPERIAL GOVERNMENT.

(*Handed to Mr. Hioki on May 8, 1915.*)

On the 7th May, at 3 p. m., the Chinese Government received from the Japanese Minister the ultimatum of his Government, together with an ex-

planatory note of seven articles. The ultimatum concluded with the statement that the Japanese Government expected a satisfactory reply from the Chinese Government not later than 6 p. m. on the 9th May, and that in the event of their failing to receive a satisfactory reply by that hour, they would take such measures as they might deem necessary.

The Chinese Government, having in view the preservation of peace in East Asia, hereby accept, with the exception of the five items of the fifth group, which are reserved for future negotiation, of the revised proposals presented on the 26th April by the Japanese Government, all the items of the first, second, third, and fourth groups together with the exchange of notes relative to the Fukien question in the fifth group, as set forth in the said revised proposals and explained in the seven articles annexed to the ultimatum, and hope that all outstanding questions between China and Japan will thereby be solved and the friendly relations between the two countries be further strengthened.

The Japanese Minister is requested to appoint a day for calling at the Department of Foreign Affairs in order to make verbal amendments in the text and sign the documents at an early date.

VIII.

TREATIES SIGNED AND NOTES EXCHANGED BETWEEN JAPAN AND CHINA ON MAY 25, 1915.

TREATY RESPECTING THE PROVINCE OF SHANTUNG.

(Signed at Peking, May 25, 1915.)

His Majesty the Emperor of Japan and His Excellency the President of the Republic of China, being desirous to maintain the general peace of the Far East and to further strengthen the relations of amity and good neighborhood existing between the two countries, have resolved to conclude a treaty for that purpose and to that end have named their Plenipotentiaries, that is to say:—

His Majesty the Emperor of Japan, Mr. Eki Hioki, Jushii, Second Class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Republic of China; and

His Excellency the President of the Republic of China, Mr. Lu Cheng-hsieng, Tsung-Ching, First Class of the Order of Chia-Ho, Minister of Foreign Affairs of the Republic of China;

Who, after having communicated to each other their respective full Powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I. The Chinese Government engage to recognize all matters that may be agreed upon between the Japanese Government and the German Government respecting the disposition of all the rights, interests and concessions, which, in virtue of treaties or otherwise, Germany possesses *vis-à-vis* China in relation to the Province of Shantung.

ARTICLE II. The Chinese Government engage that, in case they undertake the construction of a railway connecting Chefoo or Lungkou with the Kiaochou-Tsinan Railway, they shall, in the event of Germany's surrendering her right of providing capital for the Chefoo-Weihsien railway line, enter into negotiations with Japanese capitalists for the purpose of financing the said undertaking.

ARTICLE III. The Chinese Government engage to open, of their own accord, as early as possible, suitable cities and towns in the Province of Shantung for the residence and trade of foreigners.

ARTICLE IV. The present treaty shall take effect on the day of its signature.

The present treaty shall be ratified by His Majesty the Emperor of Japan and by His Excellency the President of the Republic of China, and the ratifications thereof shall be exchanged at Tokyo as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed this treaty made in duplicate, in Japanese and in Chinese, and have hereunto affixed their seals.

Done at Peking the 25th day of the 5th month of the 4th year of Taisho, corresponding to the 25th day of the 5th month of the 4th year of the inauguration of the Republic of China.

EKI HIOKI. [SEAL.]
LU CHENG-HSIENG. [SEAL.]

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: In the name of the Chinese Government, I have the honour to make the following declaration to your excellency's Government:

The Chinese Government will never lease or alienate, under any designation whatever, to any foreign Power any territory within or along the coast of the Province of Shantung or any island lying near the said coast.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date in which you make, in the name of the Government of China, the following declaration to the Imperial Government of Japan: [Repeats declaration in above note.]

In reply I beg to state that I have taken note of this declaration.

I avail [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to state that the cities and towns to be opened in accordance with the stipulation of Art. III of the Treaty respecting Shantung Province, signed to-day, will be selected and the regulations therefor will be drawn up, by the Chinese Government, and will be decided upon after consultation with the Japanese Minister.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date, in which you state: [Repeats statement in above note.]

In reply I beg to state that I have taken note of the same.

I avail [etc.]

EKI HIOKI.

TREATY RESPECTING SOUTH MANCHURIA AND EASTERN INNER MONGOLIA.

(*Signed at Peking, May 25, 1915.*)

His Majesty the Emperor of Japan and His Excellency the President of the Republic of China, being desirous to develop the economic relations of the two countries in the regions of South Manchuria and Eastern Inner Mongolia, have resolved to conclude a treaty for that purpose and to that end have named their Plenipotentiaries, that is to say:

His Majesty the Emperor of Japan, Mr. Eki Hioki, Jushii, Second Class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the Republic of China; and

His Excellency the President of the Republic of China, Mr. Lu Cheng-hsieng, Tsung-Ching, First Class of the Order of Chia-Ho, Minister of Foreign Affairs of the Republic of China;

Who, after having communicated to each other their respective full powers, which were found to be in good and due form, have agreed upon the following articles:

ARTICLE I. The high contracting parties mutually agree to extend the term of the lease of Port Arthur and Dairen, and the term relating to the South Manchurian Railway and to the Antung-Mukden Railway, to a period of ninety nine years respectively.

ARTICLE II. The subjects of Japan shall be permitted in South Manchuria to lease land necessary either for erecting buildings for various commercial and industrial uses or for agricultural purposes.

ARTICLE III. The subjects of Japan shall have liberty to enter, travel and reside in South Manchuria and to carry on business of various kinds—commercial, industrial and otherwise.

ARTICLE IV. The Government of China shall permit joint undertakings, in Eastern Inner Mongolia, of the subjects of Japan and citizens of China, in agriculture and industries auxiliary thereto.

ARTICLE V. With respect to the three preceding articles, the subjects of Japan shall produce before the local authorities the passports duly issued for the purpose of registration, and shall also submit themselves to the police laws and regulations and taxes of China.

In civil and criminal suits, the Japanese consular officer, where a Japanese subject is the defendant, and the Chinese official, where a Chinese citizen is the defendant, shall respectively try and decide the case, both the Japanese consular officer and the Chinese official being permitted each to send his agent to attend the trial by the other, to watch the proceedings; provided that in civil suits arising out of land disputes between Japanese subjects and Chinese citizens, the cases shall be tried and decided by the joint tribunal composed of the properly authorized officials of the two countries, in accordance with the laws and local usages of China.

In the future when the judicial system in the said regions shall have been completely reformed, all civil and criminal suits involving Japanese subjects shall be wholly tried and decided by the law courts of China.

ARTICLE VI. The Government of China engage to open of their own accord, as early as possible, suitable cities and towns in Eastern Inner Mongolia, for the residence and trade of foreigners.

ARTICLE VII. The Government of China agree to a speedy fundamental revision of various agreements and contracts relating to the Kirin-Changchun Railway, on the basis of the terms embodied in railway loan agreements which China has heretofore entered into with various foreign capitalists.

If, in future, the Chinese Government grant to foreign capitalists, in matters that relate to railway loans, more advantageous terms than those in the various existing railway loan agreements, the above-mentioned Kirin-Changchun Railway Loan Agreement shall, if so desired by Japan, be further revised.

ARTICLE VIII. Except as otherwise provided in this treaty, all existing treaties between Japan and China with respect to Manchuria shall remain in force.

ARTICLE IX. The present treaty shall take effect on the day of its signature.

The present treaty shall be ratified by His Majesty the Emperor of Japan and by His Excellency the President of the Republic of China, and the ratifications thereof shall be exchanged at Tokyo as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed this treaty made in duplicate, in Japanese and in Chinese, and have hereunto affixed their seals.

Done at Peking the 25th day of the 5th month of the 4th year of Taisho, corresponding to the 25th day of the 5th month of the 4th year of the inauguration of the Republic of China.

EKI HIOKI. (SEAL.)
LU CHENG-HSIENG. (SEAL.)

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to state that respecting the stipulation of Art. I of the treaty relating to South Manchuria and Eastern Inner Mongolia, signed this day, the extension of the term of the lease of Port Arthur and Dairen shall expire in the eighty-sixth year of the Republic, that is to say, in the year 1997 of the Christian Era. The date for reversion to China of the South Manchuria Railway shall fall due in the ninety-first year of the

Republic, that is to say, the year 2002 of the Christian Era, and the clause in Art. XII of the original Chinese Eastern Railway Agreement, providing that the Chinese Government may take over the railway after thirty-six years from the day on which it is opened for traffic, is hereby declared null and void. The term with respect to the Antung-Mukden Railway shall expire in the ninety-sixth year of the Republic, that is to say, the year 2007 of the Christian Era.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date, stating: [Repeats statement in above note].

In reply I beg to state that I have taken note of the same.

I avail [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to state that the cities and towns to be opened in accordance with the stipulation of Art. VI of the treaty respecting South Manchuria and Eastern Inner Mongolia, signed this day, will be selected and the regulations therefor will be drawn up by the Chinese Government, and will be decided upon after consultation with the Japanese Minister.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date in which you state: [Repeats statement in above note.]

In reply I beg to state that I have taken note of the same.

I avail [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to state that when the undermentioned mines in South Manchuria (exclusive of those mining lots which have already been prospected or worked) have at an early date been examined and selected by Japanese subjects, permission to prospect or work such mines will be granted by the Chinese Government; but until the mining law becomes definitely operative, the practice at present in force shall be followed.

Province of Fengtien.

Locality.	District.	Mineral.
Niu Hsin T'ai	Pen-hsi	Coal.
Tien Shih Fu Kou	Pen-hsi	"
Shan Sung Kang	Hai-lung	"
T'ieh Ch'ang	T'ung-hua	"
Nuan Ti T'ang	Chin	"
An Shan Chan region	From Liao-yeng to Pen-hsi	Iron.

Province of Kirin (southern portion).

Sha Sung Kang	Ho-lung	Coal and Iron.
Kang Yao	Kirin	Coal.
Chia P'i Kou	Hua-tien	Gold.

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date in which you state: [Repeats statement in above note.]

In reply I beg to state that I have taken note of the same.

I avail [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: In the name of the Chinese Government, I have the honor to make the following declaration to your excellency's Government:—

The Chinese Government will, when it is proposed in future to build railways in South Manchuria and Eastern Inner Mongolia, employ Chinese capital for the purpose, and if foreign capital should be required, they will negotiate first with Japanese capitalists for a loan; and further, when the Chinese Government propose to raise a loan abroad on the security of the taxes of the above mentioned regions (excluding, however, the salt gabelle and customs duties which are already made securities for the loans of the Chinese Central Government), they will first consult Japanese capitalists.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date, in which in the name of your Government, you make the following declaration to my Government: [Repeats declaration in above note.]

In reply I beg to state that I have taken note of this declaration.

I avail [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: In the name of the Chinese Government, I have the honor to make the following declaration to your excellency's Government:—

If, in future, the Chinese Government desire to employ foreign advisers and instructors on political, financial, military and police affairs in South Manchuria, preference will be given to Japanese.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date, in which, in the name of your Government, you make the following declaration to my Government: [Repeats declaration in above note.]

In reply I beg to state that I have taken note of this declaration.

I avail [etc.]

EKI HIOKI,

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to state that it is understood that the term "lease" mentioned in Art. II of the Treaty respecting South Manchuria and Eastern Inner Mongolia, signed this day, includes leases for a long term up to thirty years and unconditionally renewable.

I avail [etc.]

EKI HIOKI,

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date, in which you state: [Repeats statement in above note.]

In reply I beg to state that I have taken note of the same.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to state that in regard to the police laws and regulations and taxation, to which Japanese subjects are to submit according to the stipulation of Art. V of the treaty respecting South Manchuria and Eastern Inner Mongolia, signed this day, the Chinese authorities should consult the Japanese consular officer before they are carried into effect.

I avail [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTER: I have the honor to acknowledge the receipt of your excellency's note of to-day's date in which you state: [Repeats statement in above note.]

In reply I beg to state that I have taken note of the same.

I avail [etc.]

LU CHENG-HSIENG.

The Minister of Foreign Affairs to the Japanese Minitser.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to inform your excellency that as various preparations are requisite with respect to Arts. II. III. IV. and V of the treaty respecting South Manchuria and Eastern Inner Mongolia, signed this day, the Chinese Government request your Government to agree to the postponement of the putting into effect of the said articles for a period of three months from the date of its signing.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date, informing me that: [Repeats statement in above note.]

I beg to state that the Imperial Government, deeming it unavoidable in the present circumstances, agree to the desired postponement.

I avail [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to inform your excellency that in view of the very close relations subsisting between Japanese capitalists and the Han-Yeh-Ping Company, the Chinese Government engage to approve the agreement that may be concluded in future between the company and Japanese capitalists for its joint undertaking, and not to confiscate it, to nationalize it without the consent of the Japanese capitalists, nor to permit it to contract any foreign loan other than Japanese.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date in which you inform me: [Repeats statement in above note.]

In reply I beg to state that I have taken note of the same.

I avail [etc.]

EKI HIOKI.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: As it has been reported that the Chinese Government intend to permit a foreign Power to build a shipyard, military coaling-station, naval station, and all other military establishments, on the coast of Fukien Province, or that China herself intends to build the above-mentioned establishments with foreign capital, I have the honor to request your excellency to be good enough to inform me whether the Chinese Government have in fact such intention.

I avail [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: In reply to your excellency's note of to-day's date, I have the honor to make the declaration that the Chinese Government will in no case permit a foreign Power to build a shipyard, military coaling-station, naval station, or any other military establishment, nor do they intend to build the above-mentioned establishments with foreign capital.

I avail [etc.]

LU CHENG-HSIENG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: In the name of the Imperial Government, I have the honor to make the following declaration to your excellency's Government:—

If, upon the conclusion of the present war, the Japanese Government should be given an absolutely free disposal of the leased territory of Kiaochou Bay, they will return the said leased territory to China subject to the following conditions:—

1. Opening of the whole of Kiaochou as commercial port;
2. Establishment of a Japanese settlement in the locality to be designated by the Japanese Government;
3. Establishment, if desired by the Powers, of an international settlement;
4. Arrangements to be made, before the return of the said territory is effected, between the Japanese and Chinese Governments, with respect to the disposal of German public establishments and properties and with regard to the other conditions and procedures.

I avail, [etc.]

EKI HIOKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *May 25, 1915.*

MONSIEUR LE MINISTRE: I have the honor to acknowledge the receipt of your excellency's note of to-day's date, in which, in the name of your Government, you make the following declaration to my Government: [Repeats declaration in above note.]

In reply I beg to state that I have taken note of this declaration.

I avail [etc.]

LU CHENG-HSIENG.

File No. 793.94/417.

The Chinese Minister to the Secretary of State.

No. 76.] CHINESE LEGATION,
Washington, July 6, 1915.

SIR: I have the honor to inclose for your information a copy of an official statement respecting the recent negotiations with Japan, and also a copy of the treaties and annexes resulting from those negotiations.

Accept [etc.] KAI FU SHAH.

[Inclosure.]

THE CHINO-JAPANESE NEGOTIATIONS

Official statement by the Chinese Government respecting the Chino-Japanese negotiations brought to a conclusion by China's compliance with the terms of Japan's ultimatum delivered on May 7, 1915.

[Published May 13, 1915.]

At three o'clock in the afternoon of May 7, 1915, his excellency the Japanese Minister in Peking delivered to the Chinese Government in person an ultimatum from the Imperial Japanese Government, with an accompanying note of seven articles. The concluding sentences of the ultimatum read thus:

The Imperial Government hereby again offer their advice and hope that the Chinese Government, upon this advice, will give a satisfactory reply by six o'clock p. m. on the ninth day of May. It is hereby declared that if no satisfactory reply is received before or at the specified time the Imperial Government will take such steps as they may deem necessary.

The Chinese Government—having received and accepted the ultimatum—feel constrained to make a frank and plain statement of the facts connected with the negotiations which were abruptly terminated by this drastic action on the part of Japan.

The Chinese Government have constantly aimed, as they still aim, at consolidating the friendship existing between China and Japan, and, in this period of travail in other parts of the world, have been particularly solicitous of preserving peace in the Far East. Unexpectedly on January 18, 1915, his excellency the Japanese Minister in Peking, in pursuance of instructions from his Government, adopted the unusual procedure of presenting to His Excellency the President of the Republic of China a list (hereto appended) of twenty-one momentous demands, arranged in five groups. The first four groups were each introduced by a preamble, but there was no preamble or explanation to the fifth group. In respect of the character of the demands in this group, however, no difference was indicated in the document between them and those embodied in the preceding groups.

Although there was no cause for such a *démarche*, the Chinese Government, in deference to the wishes of the Imperial Japanese Government, at once agreed to open negotiations on those articles which it was possible for China to consider, notwithstanding that it was palpable that the whole of the demands were intended to extend the rights and interests of Japan without securing a *quid pro quo* of any kind for China.

China approached the pending conferences in a spirit of utmost friendliness and with a determination to deal with all questions frankly and sincerely. Before negotiations were actually commenced the Japanese Minister raised many questions with regard to the number of delegates proposed to represent China, the number of conferences to be held in each week, and the method of discussion. The Chinese Government, though their views differed from those of the Japanese Minister, yielded in all these respects to his contentions in the hope of avoiding any delay in the negotiations. The objections of the Japanese Minister to the customary recording and signing of the minutes of each conference, which the Chinese Government suggested as a necessary and advisable precaution, as well as one calculated to facilitate future reference, were also accepted. Nor did the Chinese Government retaliate in any way

when in the course of the negotiations the Japanese Minister twice suspended the conferences, obviously with the object of compelling compliance with his views on certain points at the time under discussion. Even when delay was threatened owing to the unfortunate injury sustained by the Japanese Minister as a result of a fall from his horse, the Chinese delegates, in order to avert interruption, proposed that the conferences should be continued at the Japanese Legation, which proposal was accepted. Later, when on March 22, the Japanese Government despatched large bodies of troops to South Manchuria and Shantung for the ostensible purpose of relieving the garrison—whose term of service had not then expired—the Japanese Minister stated at the conference, in reply to a direct question as to when the retiring troops would be withdrawn, that this would not be done until the negotiations could be brought to a satisfactory conclusion. Although this minatory step caused much excitement, indignation and alarm on the part of the Chinese people, and made it difficult for the Chinese Government to continue the conferences, they successfully exerted efforts to avert a rupture and thus enabled the negotiations smoothly to proceed. All this demonstrates that the Chinese Government were dominated by a sincere desire to expedite the progress of the conferences; and that the Japanese Government recognized this important fact was made clear on March 11 when the Japanese Minister conveyed to the Chinese Government an expression of his Government's appreciation of China's frankness and sincerity in the conduct of the negotiations.

From February 2, when the negotiations were commenced, to April 17, twenty-four conferences were held in all. Throughout this whole period the Chinese Government steadfastly strove to arrive at an amicable settlement and made every concession possible.

Of the twenty-one demands originally submitted by Japan, China agreed to fifteen, some in principle and some textually, six being initialled by both parties.

IN THE MATTER OF THE DEMANDS TO WHICH CHINA AGREED:

At the first conference, held on February 2, China agreed in principle to the first article of the Shantung Group of demands which provides that China should give her assent to the transfer of Germany's rights in Shantung to Japan. The Chinese Government maintained at first that the subject of this demand related to the *post bellum* settlement, and, therefore, should be left over for discussion by all the parties interested at the Peace Conference. Failing to persuade the Japanese Minister to accept this view, the Chinese Government agreed to this demand in principle, and made certain supplementary proposals.

One of the supplementary proposals was in these terms:

> The Japanese Government declares that when the Chinese Government give their assent to the disposition of the interests above referred to, Japan will restore the Leased Territory of Kiaochow to China, and further recognizes the right of the Chinese Government to participate in the negotiations referred to above between Japan and Germany.

The provision for a declaration to restore Kiaochow was clearly not a demand on Japan but only a reiteration of Japan's voluntary statement in her ultimatum to Germany on August 15, 1914, (a copy of which was officially transmitted to the Chinese Government for perusal on August 15), and repeated in public statements by the Japanese Premier. Appreciating the earnest desire of Japan to maintain the peace of the Far East and to cement her friendship with China, as evidenced by this friendly offer, the Chinese Government left the entire question of the conditions of restoration to be determined by Japan, and refrained from making any reference thereto in the supplementary proposal. The suggestion relating to participation in the conference between Japan and Germany was made in view of the fact that Shantung, the object of future negotiation between Japan and Germany, is a Chinese province, and therefore China is the power most concerned in the future of that territory.

Another supplementary proposal suggesting the assumption by Japan of responsibility for indemnification of the losses arising out of the military operations by Japan in and about the leased territory of Kiaochow was necessitated by the fact that China was neutral *vis-à-vis* the war between Japan and Germany. Had China not inserted such a provision, her position in relation to this conflict might have been liable to misconstruction—the localities in which the operations took place being a portion of China's territory—and might also have exposed herself to a claim for indemnification of losses for which she was in no way responsible.

In a further supplementary proposal the Chinese Government suggested that, prior to the restoration of the Kiaochow territory to China, the maritime customs, the telegraphs and post offices should be continued to be administered as heretofore; that the military railway, the telegraph lines, etc., which were installed by Japan to facilitate her military operations, should be removed forthwith; that the Japanese troops now stationed outside of the leased territory should be first withdrawn, and those within the territory should be recalled at the time when Kiachow is returned to China. Shantung being a Chinese province, it was natural for China to be anxious concerning the restoration of the *status quo ante bellum*. Although the Chinese Government were confident that the Japanese Government would effect such restoration in pursuance of their official declaration, it was necessary for China, being neutral throughout the war, to place these matters on record.

At the third conference, held on February 22, China agreed to the second demand in the Shantung Group not to cede or lease to any Power any territory or island or land on the sea border of Shantung.

At the fifth conference, held on February 28, China agreed to give Japan the preference, provided Germany abandoned the privilege, to supply the capital for the construction of a railway from Chefoo or Lungkow to connect with the Kiaochow-Tsinanfu railway, in the event of China deciding to build that railway with foreign capital.

At the sixth conference, held on March 3, China, in the interests of foreign trade, agreed to open certain important cities in Shantung as trade marts under regulations approved by the Japanese Government, although this was a demand on the part of Japan for privileges additional to any that hitherto had been enjoyed by Germany and was not an outcome of the hostilities between Japan and Germany, nor, in the opinion of the Chinese Government, was its acceptance essential to the preservation of peace in the Far East.

At the eighth conference, held on March 9, China agreed (1) to the extension of the term of the lease of Dairen and (2) Port Arthur, and (3) of the South Manchuria and (4) Antung-Mukden railways, all to 99 years.

Owing to the bitter experiences which China sustained in the past in connexion with the leased portions of her territory, it has become her settled policy not to grant further leases nor to extend the term of those now in existence. Therefore, it was a significant indication of China's desire to meet Japan's wishes when she agreed to this exceptional departure from her settled policy.

At the same conference the Chinese Government also agreed to refrain from raising objections to the principle of co-operation in the Hanyehping Company, if the latter should arrive [at] an agreement in this respect with the Japanese capitalists concerned. With reference to this question it was pointed out to the Japanese Minister that, in the Provisional Constitution of the Republic of China, Chinese subjects are guaranteed the right of protection of their property and freedom to engage in any lawful occupation. The Government were precluded, therefore, from interfering with the private business of the people, and could not find any other solution than the one thus agreed to.

As regards the single article of the fourth group, and the preamble thereto, the Chinese Government held that they were inconsistent with Chinese sovereignty. However, China, at this conference, expressed her readiness to meet the wishes of Japan so far as it was possible without infringing her sovereignty, and agreed to make a voluntary pronouncement that she would not alienate any portion of her coast line.

In connection with the South Manchuria Railway it is worthy of note that the provision regarding the repurchase period in the agreement (36 years from 1902) was not mentioned in Japan's original proposal. Subsequently the Japanese Government, on the ground that the meaning of this provision was not clear, requested China to agree to its cancellation. To this request the Chinese Government acceded, though well aware that the proposed change could only benefit Japan. China thus relinquished the right to repurchase the railway at the expiration of another 23 years.

In connection with the Antung-Mukden Railway the article which was originally initialled at the conference, provided for the reversion of the railway to China at the end of 99 years without payment, but, at the subsequent meeting, the Japanese Minister requested that the reference to the reversion without payment be deleted from the initialled article. In acceding to the Japanese Minister's request, China again showed her sincere desire to expedite

matters and to meet Japan's wishes even at the sacrifice of a point in her favour, to which Japan had already agreed.

At the eleventh conference, held on March 16, China agreed to give Japan preference in regard to loans for railway construction in South Manchuria.

At the thirteenth conference, held on March 23, China agreed (1) to the amendment of the Kirin-Changchun Railway loan agreement; (2) to give preference to Japan if the revenue of South Manchuria were offered as security for loans; (3) to give preference to Japanese in the event of the employment of advisers for South Manchuria; (4) to grant to Japanese the right of mining in nine specified areas in South Manchuria.

In its original form the demand with reference to mining in South Manchuria tended to create a monopoly for Japanese subjects, and, therefore, was entirely inconsistent with the principle of equal opportunity. The Chinese Government explained that they could not, in view of the treaty rights of other Powers, agree to this monopoly, but they readily gave their acceptance when Japan consented to the modification of the demand so as to mitigate its monopolistic character.

In connection with the Kirin-Changchun Railway the amendment agreed to involves a fundamental revision of the original agreement on the basis of the existing railway loan concluded by China with other foreign capitalists, as well as an engagement on the part of the Chinese Government to extend to this railway any better terms which may be hereafter accorded to other railway concessionaires in China. The capital of this railway was originally fifty per cent. Chinese and fifty per cent. Japanese. The effect of this undertaking is to transfer the capital originally held by the Chinese, as well as the full control and administration of the railway, to the Japanese.

At the twenty-first conference, held on April 10, China agreed, in regard to the demands concerning Fukien Province, to give Japan an assurance in accordance with Japan's wishes at a future time.

As regards demands 2 and 3 in the Manchurian group, relating to the ownership of land for trade, manufacture, and agricultural enterprises as well as for the right of settlement in the interior of South Manchuria, the Chinese Government, after discussion at several conferences, agreed to them in principle, but desired to introduce certain amendments concerning the control and protection of the Japanese subjects who might avail themselves of these rights. The course of the negotiations in connection with these amendments will be referred to subsequently.

IN THE MATTER OF THOSE DEMANDS TO WHICH CHINA COULD NOT AGREE:

Of the twenty-one original demands there were six, as previously mentioned, to which China could not agree on the ground that they were not proper subjects for international negotiation, conflicting as they did with the sovereign rights of China, the treaty rights of other Powers, and the principle of equal opportunity.

Thus, for example, the second article of the Hanyehping question in the original third group in particular seriously affected the principle of equal commercial and industrial opportunity.

The proposal that there should be joint administration by China and Japan of the police in China was clearly an interference with the Republic's domestic affairs, and consequently an infringement of her sovereignty. For that reason the Chinese Government could not take the demand into consideration. But when it was explained by the Japanese Minister that this referred only to South Manchuria, and he suggested that his Government would be satisfied if China agreed to engage Japanese as police advisers for that territory, the Chinese Government accepted the suggestion.

The two articles relating to the acquisition of land for schools, hospitals, and temples, as well as to the right of missionary propaganda, would, in the opinion of the Chinese Government, have presented grave obstacles to the consolidation of the friendly feeling subsisting between the two people. The religions of the two countries are identical and therefore the need for a missionary propaganda to be carried on in China by Japanese does not exist. The natural rivalry between Chinese and Japanese followers of the same faith would tend to create incessant disputes and friction. Whereas Western missionaries live apart from the Chinese communities among which they labor, Japanese monks would live with the Chinese, and the similarity of their physical characteristics, their religious garb, and their habits of life would render it

impossible to distinguish them for purposes of affording the protection which the Japanese Government would require should be extended to them under the system of extraterritoriality now obtaining in China. Moreover, a general apprehension exists among the Chinese people that these peculiar conditions favoring conspiracies for political purposes might be taken advantage of by some unscrupulous Chinese.

The demand for railway concessions in the Yangtsze Valley conflicted with the Shanghai-Hangchow-Ningpo Railway agreement of March 6, 1908, the Nanking-Changsha Railway Agreement of March 31, 1914, and the engagement of August 24, 1914, giving preference to British firms for the projected line from Nanchang to Chaochowfu. For this reason the Chinese Government found themselves unable to consider the demand, though the Japanese Minister, while informed of China's engagements with Great Britain, repeatedly pressed for its acceptance.

In respect to the demand for the appointment of influential Japanese to be advisers in political, financial and military affairs, the policy of the Chinese Government in regard to the appointment of advisers has been similar to that which has presumably guided the Japanese Government in like circumstances, namely, the selection of the best qualified men irrespective of their nationality. As an indication of their desire to avail themselves of the services of eminent Japanese, one of the earliest appointments made to an advisership was that of Dr. Ariga, while later on Dr. Hirai and Mr. Nakayama were appointed to the Ministry of Communications.

It was considered that the demand that Japanese should be appointed in the three most important administrative departments, as well as the demand for the joint control of China's police, and the demand for an engagement to purchase a fixed amount of arms and ammunition from Japan or to establish joint arsenals in China, so clearly involved the sovereignty of the Republic that the Chinese Government were unable even to consider them.

For these reasons the Chinese Government, at the very outset of the negotiations, declared that they were unable to negotiate on the demands; but, in deference to the wishes of the Japanese Minister, the Chinese delegates consented to give the reasons for declining to enter into a discussion of them.

IN THE MATTER OF THE QUESTIONS OF DISPUTE INVOLVED IN SOME OF THE FOREGOING DEMANDS:

The demand by Japan for the right of her subjects in South Manchuria to lease or own land, and to reside and travel, and to engage in business or manufacture of any kind whatever was deemed by the Chinese Government to obtain for Japanese subjects in this region a privileged status beyond the terms of the treaties existing between the two nations, and to give them a freedom of action which would be a restriction of China's sovereignty and a serious infringement of her administrative rights. Should Japanese subjects be granted the right of owning land, it would mean that all the landed property in the region might fall into their hands, thereby endangering China's territorial integrity. Moreover, residence in the interior was incompatible with the existence of extraterritoriality, the relinquishment of which is necessary to the actual enjoyment of the privilege of inland residence, as evidenced in practice of other nations.

Japan's unconditional demand for the privilege of inland residence accompanied with a desire to extend extraterritoriality into the interior of China and to enable Japanese subjects to monopolize all the interests in South Manchuria was also palpably irreconcilable with the principle of equal opportunity. For this reason the Chinese Government were, in the first instance, unable to accept this demand as a basis of negotiation. Their profound regard for the friendly relations of the two countries, however, persuaded them to exert their utmost efforts, in spite of all the inherent difficulties, to seek a solution of a question which was practically impossible to solve. Knowing that the proposal made by Japan was incompatible with treaties, they nevertheless sought to meet her wishes within the limits of treaties. Accordingly they submitted a counter-proposal to open more places in South Manchuria to international trade and to establish Sino-Japanese joint reclamation companies.

This suggestion was made in the belief that the places to which Japanese subjects would desire to resort for purposes of trade could not be other than important localities; if all these localities were opened to commerce, then they could reside, trade, and lease land there for joint reclamation. Thus Japanese

subjects might enjoy the essence of the privilege of inland residence and would still be able to reconcile their position with China's treaties and the principle of equal opportunity.

After the Japanese Government declined to accept this suggestion, China withdrew it and replaced it with an amendment to the original articles. It was proposed in this amendment to grant to Japanese subjects the extra-treaty privilege of inland residence with the provisos that Japanese subjects in places outside of trade marts should observe Chinese police regulations and pay taxes in the same manner as Chinese; and that civil and criminal cases involving such Japanese subjects should be adjudicated by Chinese authorities, the Japanese consul attending merely to watch the proceedings. This suggestion was not an innovation; it was based upon the *modus operandi* now in force as regards the Korean settlers in inland districts in Chientao. But the Japanese Government again declined to accept it.

The Chinese Government thereupon made a third proposal along the line of what constitutes the present practice in Turkey, making a distinction, however, in favour of Japanese subjects, in the exercise of jurisdiction over civil and criminal cases. This was once more objected to by the Japanese Government.

Then the Chinese Government proposed to concede still another step—the fourth endeavour to meet Japan's wishes. They proposed to agree to the full text of articles 2 and 3 relative to the question of inland residence, except that "the right of owning land" was changed into "the right of leasing land" and to the phrase "cultivating land" was added this clause: "the regulations for which shall be determined separately"; and, further, to add a supplementary article which embodied a *modus operandi* which the Chinese Government had constrained themselves to make out of a desire to come to a settlement over this question. The view advanced in this supplementary article was based upon the Japanese Minister's declaration made on March 6, 1915, that a separate article embodying some compromise might be added to the original articles 2 and 3 for the purpose of avoiding any conflict with China's sovereignty or the system established by treaties.

These suggestions made by the Chinese Government were not accepted by Japan.

As regards Eastern Inner Mongolia not only have no treaties been entered into with Japan concerning this region, but also the people are so unaccustomed to foreign trade that the Chinese Government invariably feel much anxiety about the safety of foreigners who elect to travel there. The Chinese Government, therefore, considered that it would not be in the interest of foreigners to open the whole territory to them for residence and commerce, and on these grounds based their original refusal to place Eastern Inner Mongolia on the same footing as South Manchuria. Still, their desire to meet the wishes of the Japanese Government eventually prompted them to offer to open a number of places in the region to foreign trade.

IN THE MATTER OF JAPAN'S REVISED DEMANDS.

The foregoing is an outline of the negotiations up to April 17. It was hoped by the Chinese Government that the Japanese Government in view of the great concessions made by China at the conferences held up to this time, would see a way of effecting an amicable settlement by modifying their position on certain points. In regard to these it had, by this time, become manifest that China would encounter almost insuperable difficulties in making further concessions.

The Japanese Government, however, suspended the negotiations until April 26, when they surprised the Chinese Government by presenting a new list of twenty-four demands (which is hereto appended), and requested the Chinese Government to accord their acceptance without delay, adding that this was their final proposal. At the same time the Japanese Minister stated that the Japanese Government would restore the leased territory of Kiaochow to China at an opportune time in the future and under proper conditions, if the Chinese Government would agree to the new list of twenty-four demands without modification.

In this new list although the term "special position" in the preamble of the Manchurian group was changed to "economic relations," and although the character of the articles in the original fifth group was altered from demands to a recital of alleged statements by the Chinese Foreign Minister, four new demands were introduced concerning Eastern Inner Mongolia. In deference to the wishes of the Japanese Government, the Chinese Government gave the

revised list the most careful consideration; and being sincerely desirous of an early settlement offered new concessions in their reply presented to the Japanese Minister on May 1.

In this reply the Chinese Government reinserted the proposal in reference to the retrocession of Kiaochow which they advanced at the first conference on February 2, and which was postponed at the request of the Japanese Minister. This, therefore, was in no sense a new proposal.

The Chinese Government also proposed to agree to three of the four articles relating to Eastern Inner Mongolia. There was some difficulty in determining a definition of the boundaries of Eastern Inner Mongolia—this being a new expression in Chinese geographical terminology—but the Chinese Government, acting upon a statement made at a previous conference by the Japanese Minister that the Japanese Government meant the region under Chinese administrative jurisdiction, and taking note, in the list presented by the Japanese Minister, of the names of places in Eastern Inner Mongolia to be opened to trade, inferred that the so-called Eastern Inner Mongolia is that part of Inner Mongolia which is under the jurisdiction of South Manchuria and the Jehol intendancy; and refrained from placing any limitations upon the definition of this term.

The Chinese Government also withdrew their supplementary proposal reserving the right of making regulations for agricultural enterprises to be undertaken by Japanese settlers in South Manchuria.

In respect of the trial of cases involving land disputes between Japanese only, or between Japanese and Chinese, the Chinese Government accorded to the Japanese consul the right of deputing an officer to watch the proceedings.

The Chinese Government also agreed to accept the suggestion of the Japanese Government to modify the term "police law and ordinances" into "police rules and regulations," thereby limiting the extent of control which the Chinese would have over Japanese subjects.

As regards the Hanyehping demand, the Chinese Government accepted the draft made by the Japanese Government, embodying an engagement by the Chinese Government not to convert the Company into a State-owned concern, nor to confiscate it, nor to force it to borrow foreign capital other than Japanese.

In respect of the Fukien question the Chinese Government also agreed to give an assurance in the amplified form suggested by the Japanese Government that the Chinese Government had not given their consent to any foreign nations to construct a dockyard, or a coaling station, or a naval base, or any other military establishment along the coast of Fukien Province; nor did they contemplate borrowing foreign capital for the foregoing purposes.

Having made these concessions, which practically brought the views of China into line with those of Japan, and having explained in a note accompanying the reply the difficulty for China to make further concessions, the Chinese Government hoped that the Japanese Government would accept their reply of May 1, and thus bring the negotiations to an amicable conclusion.

The Japanese Government, however, expressed themselves as being dissatisfied with China's reply, and withdrew the conditional offer to restore Kiaochow to China made on April 26. It was further intimated that if the Chinese Government did not give their full compliance with the list of twenty-four demands, Japan would have recourse to drastic measures.

Upon receiving this intimation the Chinese Government, inspired by the conciliatory spirit which had been predominant from the very beginning of the negotiations and desirous of avoiding any possible rupture in the relations of the two countries, made a supreme effort to meet the situation, and represented to the Japanese Government that they would reconsider their position and make another attempt to find a solution that would be more satisfactory to Japan, in respect to those articles which China had declared could not be taken up for consideration, but to which Japan attached great importance. Even in the evening of May 6, after the Japanese Minister had notified the Chinese Government that the Ultimatum had arrived in Peking, the Chinese Government in the interests of peace still exerted efforts to save the situation by offering to meet Japan's wishes.

These overtures were again rejected, and thus was exhausted the means at the disposal of the Chinese Government to prevent an impasse.

It is plain that the Chinese Government proceeded to the fullest extent of possible concession in view of the strong national sentiment manifested by the people throughout the whole period of negotiations. All that the Chinese Gov-

ernment strove to maintain was China's plenary sovereignty, the treaty rights of foreign Powers in China and the principle of equal opportunity.

To the profound regret of the Chinese Government however, the tremendous sacrifices which they had shown themselves ready to make proved unavailing, and an ultimatum (the text of which is appended) was duly delivered to them by the Japanese Minister at three o'clock on the afternoon of May 7.

As to the allegations made in the ultimatum against China the Chinese Government hope that the foregoing outline of the history of the negotiations constitutes a clear, dispassionate, and complete reply.

In considering the nature of the course they should take with reference to the ultimatum the Chinese Government was influenced by a desire to preserve the Chinese people, as well as the large number of foreign residents in China, from unnecessary suffering and also to prevent the interests of friendly Powers from being imperilled. For these reasons the Chinese Government were constrained to comply in full with the terms of the ultimatum (the reply being hereto appended), but in complying the Chinese Government disclaim any desire to associate themselves with any revision, which may thus be effected, of the various conventions and agreements concluded between other Powers in respect of the maintenance of China's territorial independence and integrity, the preservation of the *status quo*, and the principle of equal opportunity for the commerce and industry of all nations in China.

I.

JAPAN'S ORIGINAL DEMANDS.

Translations of Documents handed to His Excellency the President, Yuan-Shih-Kai, by His Excellency Mr. Hioki, the Japanese Minister, on January 18th, 1915.

I.

The Japanese Government and the Chinese Government being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighbourhood existing between the two nations agree to the following articles:—

Article 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

Article 2. The Chinese Government engages that within the Province of Shantung and along its coast no territory or island will be ceded or leased to a third Power under any pretext.

Article 3. The Chinese Government consents to Japan's building a railway from Chefoo or Lungkow to join the Kiaochou-Tsinanfu Railway.

Article 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain important cities and towns in the Province of Shantung as commercial ports. What places shall be opened are to be jointly decided upon in a separate agreement.

II.

The Japanese Government and the Chinese Government, since the Chinese Government has always acknowledged the special position enjoyed by Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:—

Article 1. The two contracting parties mutually agree that the term of lease of Port Arthur and Dalny and the term of lease of the South Manchurian Railway and the Antung-Mukden Railway shall be extended to the period of 99 years.

Article 2. Japanese subjects in South Manchuria and Eastern Inner Mongolia shall have the right to lease or own land required either for erecting suitable buildings for trade and manufacture or for farming.

Article 3. Japanese subjects shall be free to reside and travel in South Manchuria and Eastern Inner Mongolia and to engage in business and in manufacture of any kind whatsoever.

Article 4. The Chinese Government agrees to grant to Japanese subjects the right of opening the mines in South Manchuria and Eastern Inner Mongolia. As regards what mines are to be opened, they shall be decided upon jointly.

Article 5. The Chinese Government agrees that in respect of the (two) cases mentioned herein below the Japanese Government's consent shall be first obtained before action is taken:—

(*a*). Whenever permission is granted to the subject of a third Power to build a railway or to make a loan with a third Power for the purpose of building a railway in South Manchuria and Eastern Inner Mongolia.

(*b*). Whenever a loan is to be made with a third Power pledging the local taxes of South Manchuria and Eastern Inner Mongolia as security.

Article 6. The Chinese Government agrees that if the Chinese Government employs political, financial, or military advisers or instructors in South Manchuria or Eastern Inner Mongolia, the Japanese Government shall first be consulted.

Article 7. The Chinese Government agrees that the control and management of the Kirin-Changchun Railway shall be handed over to the Japanese Government for a term of 99 years dating from the signing of this agreement.

III.

The Japanese Government and the Chinese Government, seeing that Japanese financiers and the Hanyehping Co. have close relations with each other at present and desiring that the common interests of the two nations shall be advanced, agree to the following articles:—

Article 1. The two contracting parties mutually agree that when the opportune moment arrives the Hanyehping Company shall be made a joint concern of the two nations and they further agree that without the previous consent of Japan, China shall not by her own act dispose of the rights and property of whatsoever nature of the said company nor cause the said company to dispose freely of the same.

Article 2. The Chinese Government agrees that all mines in the neighborhood of those owned by the Hanyehping Company shall not be permitted, without the consent of the said company, to be worked by other persons outside of the said company; and further agrees that if it is desired to carry out any undertaking which, it is apprehended, may directly or indirectly affect the interests of the said company, the consent of the said company shall first be obtained.

IV.

The Japanese Government and the Chinese Government with the object of effectively preserving the territorial integrity of China agree to the following special article:—

The Chinese Government engages not to cede or lease to a third Power any harbour or bay or island along the coast of China.

V.

Article 1. The Chinese Central Government shall employ influential Japanese as advisers in political, financial and military affairs.

Article 2. Japanese hospitals, churches and schools in the interior of China shall be granted the right of owning land.

Article 3. Inasmuch as the Japanese Government and the Chinese Government have had many cases of dispute between Japanese and Chinese police to settle, cases which caused no little misunderstanding, it is for this reason necessary that the police departments of important places (in China) shall be jointly administered by Japanese and Chinese or that the police departments of these places shall employ numerous Japanese, so that they may at the same time help to plan for the improvement of the Chinese police service.

Article 4. China shall purchase from Japan a fixed amount of munitions of war (say 50% or more) of what is needed by the Chinese Government, or there shall be established in China a Sino-Japanese jointly worked arsenal. Japanese technical experts are to be employed and Japanese material to be purchased.

Article 5. China agrees to grant to Japan the right of constructing a railway connecting Wuchang with Kiukiang and Nanchang, another line between Nanchang and Hangchow, and another between Nanchang and Chaochou.

Article 6. If China needs foreign capital to work mines, build railways and construct harbour-works (including dock-yards) in the Province of Fukien, Japan shall be first consulted.

Article 7. China agrees that Japanese subjects shall have the right of missionary propaganda [56] in China.

II.

JAPAN'S REVISED DEMANDS.

Japan's Revised Demands on China, twenty-four in all, presented April 26, 1915.

The revised list of articles is a Chinese translation of the Japanese text. It is hereby declared that when a final decision is reached, there shall be a revision of the wording of the text.

Group I.

The Japanese Government and the Chinese Government, being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighbourhood existing between the two nations, agree to the following articles:—

Article 1. The Chinese Government engages to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government, relating to the disposition of all rights, interests and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

Article 2. (Changed into an exchange of notes).

The Chinese Government declares that within the Province of Shantung and along its coast no territory or island will be ceded or leased to any Power under any pretext.

Article 3. The Chinese Government consents that as regards the railway to be built by China herself from Chefoo or Lungkow to connect with the Kiaochow-Tsinanfu Railway, if Germany is willing to abandon the privilege of financing the Chefoo-Weihsien line, China will approach Japanese capitalists to negotiate for a loan.

Article 4. The Chinese Government engages, in the interest of trade and for the residence of foreigners, to open by China herself as soon as possible certain suitable places in the Province of Shantung as commercial ports.

(Supplementary exchange of notes.)

The places which ought to be opened are to be chosen, and the regulations are to be drafted, by the Chinese Government, but the Japanese Minister must be consulted before making a decision.

Group II.

The Japanese Government and the Chinese Government, with a view to developing their economic relations in South Manchuria and Eastern Inner Mongolia, agree to the following articles:—

Article 1. The two contracting Powers mutually agree that the term of lease of Port Arthur and Dalny and the terms of the South Manchuria Railway and the Antung-Mukden Railway, shall be extended to 99 years.

(Supplementary exchange of notes.)

The term of lease of Port Arthur and Dalny shall expire in the 86th year of the Republic or 1997. The date for restoring the South Manchurian Railway to China shall fall due in the 91st year of the Republic or 2002. Article 12 in the original South Manchurian Railway Agreement that it may be redeemed by China after 36 years after the traffic is opened is hereby cancelled. The term of the Antung-Mukden Railway shall expire in the 96th year of the Republic or 2007.

[56] Refers to preaching Buddhism.

Article 2. Japanese subjects in South Manchuria may lease or purchase the necessary land for erecting suitable buildings for trade and manufacture or for prosecuting agricultural enterprises.

Article 3. Japanese subjects shall be free to reside and travel in South Manchuria and to engage in business and manufacture of any kind whatsoever.

Article 3a. The Japanese subjects referred to in the preceding two articles, besides being required to register with the local authorities passports which they must procure under the existing regulations, shall also submit to police laws and ordinances and tax regulations, which are approved by the Japanese consul. Civil and criminal cases in which the defendants are Japanese shall be tried and adjudicated by the Japanese consul; those in which the defendants are Chinese shall be tried and adjudicated by Chinese authorities. In either case an officer can be deputed to the court to attend the proceedings. But mixed civil cases between Chinese and Japanese relating to land shall be tried and adjudicated by delegates of both nations conjointly in accordance with Chinese law and local usage. When the judicial system in the said region is completely reformed, all civil and criminal cases concerning Japanese subjects shall be tried entirely by Chinese law courts.

Article 4. (Changed to an exchange of notes.)

The Chinese Government agrees that Japanese subjects shall be permitted forthwith to investigate, select, and then prospect for and open mines at the following places in South Manchuria, apart from those mining areas in which mines are being prospected for or worked; until the mining ordnance is definitely settled methods at present in force shall be followed.

Province of Feng-Tien.

Locality.	District.	Mineral.
Niu Hsin T'ai	Pen-hsi	Coal
Tien Shih Fu Kou	Pen-hsi	do.
Sha Sung Kang	Hai-lung	do.
T'ieh Ch'ang	T'ung-hua	do.
Nuan Ti T'ang	Chin	do.
An Shan Chan region	From Liao-yang to Pen-hsi	Iron.

Province of Kirin (Southern portion).

Sha Sung Kang	Ho-lung	C. & I.
Kang Yao	Chi-lin (Kirin)	Coal.
Chia P'i Kou	Hua-tien	Gold.

Article 5. (Changed to an exchange of notes.)

The Chinese Government declares that China will hereafter provide funds for building railways in South Manchuria; if foreign capital is required, the Chinese Government agrees to negotiate for the loan with Japanese capitalists first.

Article 5a. (Changed to an exchange of notes.)

The Chinese Government agrees that hereafter, when a foreign loan is to be made on the security of the taxes of South Manchuria (not including customs and salt revenue on the security of which loans have already been made by the Central Government), it will negotiate for the loan with Japanese capitalists first.

Article 6. (Changed to an exchange of notes.)

The Chinese Government declares that hereafter if foreign advisers or instructors on political, financial, military or police matters, are to be employed in South Manchuria, Japanese will be employed first.

Article 7. The Chinese Government agrees speedily to make a fundamental revision of the Kirin-Changchun Railway Loan Agreement, taking as a standard the provisions in railway loan agreements made heretofore between China and foreign financiers. If, in future, more advantageous terms than those in existing railway loan agreements are granted to foreign financiers, in connection with railway loans, the above agreement shall again be revised in accordance with Japan's wishes.

CHINESE COUNTER-PROPOSAL TO ARTICLE 7.

All existing treaties between China and Japan relating to Manchuria shall, except where otherwise provided for by this convention, remain in force.

MATTERS RELATING TO EASTERN INNER MONGOLIA.

1. The Chinese Government agrees that hereafter when a foreign loan is to be made on the security of the taxes of Eastern Inner Mongolia, China must negotiate with the Japanese Government first.

2. The Chinese Government agrees that China will herself provide funds for building the railways in Eastern Inner Mongolia; if foreign capital is required, she must negotiate with Japanese Government first.

3. The Chinese Government agrees, in the interest of trade and for the residence of foreigners, to open by China herself, as soon as possible, certain suitable places in Eastern Inner Mongolia as commercial ports. The places which ought to be opened are to be chosen, and the regulations are to be drafted, by the Chinese Government, but the Japanese Minister must be consulted before making a decision.

4. In the event of Japanese and Chinese desiring jointly to undertake agricultural enterprises and industries incidental thereto, the Chinese Government shall give its permission.

GROUP III.

The relations between Japan and the Hanyehping Company being very intimate, if those interested in the said company come to an agreement with the Japanese capitalists for cooperation, the Chinese Government shall forthwith give its consent thereto. The Chinese Government further agrees that, without the consent of the Japanese capitalists, China will not convert the company into a state enterprise, nor confiscate it, nor cause it to borrow and use foreign capital other than Japanese.

GROUP IV.

China to give a pronouncement by herself in accordance with the following principle:—

No bay, harbour, or island along the coast of China may be ceded or leased to any Power.

NOTES TO BE EXCHANGED.

A.

As regards the right of financing a railway from Wuchang to connect with the Kiukiang-Nanchang line, the Nanchang-Hangchow railway, and the Nanchang-Chaochow railway, if it is clearly ascertained that other Powers have no objection, China shall grant the said right to Japan.

B.

As regards the right of financing a railway from Wuchang to connect with the Kiukiang-Nanchang railway, a railway from Nanchang to Hangchow and another from Nanchang to Chaochow, the Chinese Government shall not grant the said right, to any foreign Power before Japan comes to an understanding with the other Power which is heretofore interested therein.

NOTES TO BE EXCHANGED.

The Chinese Government agrees that no nation whatever is to be permitted to construct, on the coast of Fukien Province, a dock-yard, a coaling station for military use, or a naval base; not to be authorized to set up any other military establishment. The Chinese Government further agrees not to use foreign capital for setting up the above mentioned construction or establishment.

MR. LU, THE MINISTER OF FOREIGN AFFAIRS, STATED AS FOLLOWS:

1. The Chinese Government shall, whenever, in future, it considers this step necessary, engage numerous Japanese advisers.

2. Whenever, in future, Japanese subjects desire to lease or purchase land in the interior of China for establishing schools or hospitals, the Chinese Government shall forthwith give its consent thereto.

3. When a suitable opportunity arises in future, the Chinese Government will send military officers to Japan to negotiate with Japanese military authorities the matter of purchasing arms or that of establishing a joint arsenal.

MR. HIOKI, THE JAPANESE MINISTER, STATED AS FOLLOWS:

As relates to the question of the right of missionary propaganda, the same shall be taken up again for negotiation in future.

III.

MEMORANDUM.

Read by the Minister of Foreign Affairs to Mr. Hioki, the Japanese Minister, at a conference held at Wai Chiao Pu, May 1, 1915.

The list of demands which the Japanese Government first presented to the Chinese Government consists of five groups, the first relating to Shantung, the second relating to South Manchuria and Eastern Inner Mongolia, the third relating to Hanyehping Company, the fourth asking for non alienation of the coast of the country, and the fifth relating to the questions of national advisers, national police, national arms, missionary propaganda, Yangtse valley railways, and Fukien Province. Out of profound regard for the intentions entertained by Japan, the Chinese Government took these momentous demands into grave and careful consideration and decided to negotiate with the Japanese Government frankly and sincerely what were possible to negotiate. This is a manifestation to Japan of the most profound regard which the Chinese Government entertains for the relations between the two nations.

Ever since the opening of the negotiations China has been doing her best to hasten their progress holding as many as three conferences a week. As regards the articles in the second group, the Chinese Government, being disposed to allow the Japanese Government to develop the economic relations of the two countries in South Manchuria, realizing that the Japanese Government attaches importance to its interests in that region, and wishing to meet the hope of Japan, made a painful effort, without hesitation, to agree to the extension of the 25-year lease of Port Arthur and Dalny, the 36-year period of the South Manchuria railway and the 15-year period of the Antung-Mukden railway, all to 99 years; and to abandon its own cherished hopes to regain control of these places and properties at the expiration of their respective original terms of lease. It cannot but be admitted that this is a most genuine proof of China's friendship for Japan.

As to the right of opening mines in South Manchuria, the Chinese Government has already agreed to permit Japanese to work mines within the mining areas designated by Japan. China has further agreed to give Japan a right of preference in the event of borrowing foreign capital for building railways or of making a loan on the security of the local taxes in South Manchuria. The question of revising the arrangement for the Kirin-Changchun railway has been settled in accordance with the proposal made by Japan. The Chinese Government has further agreed to employ Japanese first in the event of employing foreign advisers on political, military, financial and police matters.

Furthermore, the provision about the repurchase period in the South Manchurian railway was not mentioned in Japan's original proposal. Subsequently the Japanese Government, alleging that its meaning was not clear, asked China to cancel the provision altogether. Again, Japan at first demanded the right of Japanese to carry on farming in South Manchuria, but subsequently she considered the word "farming" was not broad enough and asked to replace it with the phrase "agricultural enterprises." To these requests the Chinese Government, though well aware that the proposed changes could only benefit Japan, still acceded without delay. This, too, is a proof of China's frankness and sincerity towards Japan.

As regards matters relating to Shantung the Chinese Government has agreed to a majority of the demands.

The question of inland residence in South Manchuria is, in the opinion of the Chinese Government, incompatible with the treaties China had entered into with Japan and other Powers, still the Chinese Government did its best to consider how it was possible to avoid that incompatibility. At first, China suggested that the Chinese authorities should have full rights of jurisdiction over Japanese settlers. Japan declined to agree to it. Thereupon China reconsidered the question and revised her counter-proposal five or six times, each time making some definite concession, and went so far as to agree that all

civil and criminal cases between Chinese and Japanese should be arranged according to existing treaties. Only cases relating to land or lease contracts were reserved to be adjudicated by Chinese courts, as a mark of China's sovereignty over the region. This is another proof of China's readiness to concede as much as possible.

Eastern Inner Mongolia is not an enlightened region as yet and the conditions existing there are entirely different from those prevailing in South Manchuria. The two places therefore, cannot be considered in the same light. Accordingly, China agreed to open commercial marts first, in the interests of foreign trade.

The Hanyehping Company mentioned in the third group is entirely a private company, and the Chinese Government is precluded from interfering with it and negotiating with another Government to make any disposal of the same as the Government likes, but having regard for the interests of the Japanese capitalists, the Chinese Government agreed that whenever, in future, the said company and the Japanese capitalists should arrive at a satisfactory arrangement for co-operation, China will give her assent thereto. Thus the interests of the Japanese capitalists are amply safeguarded.

Although the demand in the fourth group asking for a declaration not to alienate China's coast is an infringement of her sovereign rights, yet the Chinese Government offered to make a voluntary pronouncement so far as it comports with China's sovereign rights. Thus, it is seen that the Chinese Government, in deference to the wishes of Japan, gave a most serious consideration even to those demands which gravely affect the sovereignty and territorial rights of China as well as the principle of equal opportunity and the treaties with foreign Powers. All this was a painful effort on the part of the Chinese Government to meet the situation—a fact of which the Japanese Government must be aware.

As regard the demands in the fifth group, they all infringe China's sovereignty, the treaty rights of other Powers or the principle of equal opportunity. Although Japan did not indicate any difference between this group and the preceding four in the list which she presented to China in respect of their character, the Chinese Government, in view of their palpably objectionable features, persuaded itself that these could not have been intended by Japan as anything other than Japan's mere advice to China. Accordingly China has declared from the very beginning that while she entertains the most profound regard for Japan's wishes, she was unable to admit that any of these matters could be made the subject of any understanding with Japan. Much as she desired to pay regard to Japan's wishes, China cannot but respect her own sovereign rights and the existing treaties with other Powers. In order to be rid of the seed for future misunderstanding and to strengthen the bas's of friendship, China was constrained to iterate the reasons for refusing to negotiate on any of the articles in the fifth group. yet in view of Japan's wishes China has expressed her readiness to state that no foreign money was borrowed to construct harbour work in Fukien Province. Thus it is clear that China went so far as to seek a solution for Japan of a question that really did not admit of negotiation. Was there, then, evasion on the part of China?

Now, since the Japanese Government has presented a revised list of demands and declared at the same time, that it will restore the leased territory of Kiaochow, the Chinese Government reconsiders the whole question and herewith submits a new reply to the friendly Japanese Government.

In this reply the unsettled articles in the first group are stated again for discussion.

As regards the second group, those articles which have already been initialled are omitted. In connection with the question of inland residence the police regulation clause has been revised in a more restrictive sense. As for the trial of cases relating to land and lease contracts the Chinese Government now permits the Japanese consul to send an officer to attend the proceedings.

Of the four demands in connection with that part of Eastern Inner Mongolia which is within the jurisdiction of South Manchuria and the Jehol intendancy, China agrees to three.

China, also, agrees to the article relating to the Hanyehping Company as revised by Japan.

It is hoped that the Japanese Government will appreciate the conciliatory spirit of the Chinese Government in making this final concession and forthwith give her assent thereto.

There is one more point. At the beginning of the present negotiations it was mutually agreed to observe secrecy but unfortunately a few days after the presentation of the demands by Japan an Osaka newspaper published an "Extra" giving the text of the demands. The foreign and the Chinese press has since been paying considerable attention to this question and frequently publishing pro-Chinese or pro-Japanese comments in order to call forth the world's conjecture—a matter which the Chinese Government deeply regrets.

The Chinese Government has never carried on any newspaper campaign and the Chinese Minister of Foreign Affairs has repeatedly declared it to the Japanese Minister.

In conclusion, the Chinese Government wishes to express its hope that the negotiations now pending between the two countries will soon come to an end and whatever misgivings foreign countries entertain toward the present situation may be quickly dispelled.

IV.

CHINA'S REPLY TO REVISED DEMANDS.

China's Reply of May 1, 1915 to the Japanese Revised Demands of April 26, 1915.

Group I.

The Chinese Government and the Japanese Government, being desirous of maintaining the general peace in Eastern Asia and further strengthening the friendly relations and good neighbourhood existing between the two nations, agree to the following articles:—

Article 1. The Chinese Government declare that they will give full assent to all matters upon which the Japanese and German Governments may hereafter mutually agree, relating to the disposition of all interests which Germany, by virtue of treaties or recorded cases, possesses in relation to the Province of Shantung.

The Japanese Government declare that when the Chinese Government give their assent to the disposition of interests above referred to, Japan will restore the leased territory of Kiaochow to China; and further recognize the right of the Chinese Government to participate in the negotiations referred to above between Japan and Germany.

Article 2. The Japanese Government consent to be responsible for the indemnification of all losses occasioned by Japan's military operation around the leased territory of Kiaochow. The customs, telegraphs and post offices within the leased territory of Kiaochow shall, prior to the restoration of the said leased territory to China, be administered as heretofore for the time being. The railways and telegraph lines erected by Japan for military purposes are to be removed forthwith. The Japanese troops now stationed outside the original leased territory of Kiaochow are now to be withdrawn first, those within the original leased territory are to be withdrawn on the restoration of the said leased territory to China.

Article 3. (Changed to an exchange of notes.)

The Chinese Government declare that within the Province of Shantung and along its coast no territory or island will be ceded or leased to any Power under any pretext.

Article 4. The Chinese Government consent that as regards the railway to be built by China herself from Chefoo or Lungkow to connect with the Kiaochow-Tsinanfu railway, if Germany is willing to abandon the privilege of financing the Chefoo-Weihsien line, China will approach Japanese capitalists for a loan.

Article 5. The Chinese Government engage, in the interest of trade and for the residence of foreigners, to open by herself as soon as possible certain suitable places in the Province of Shantung as commercial ports.

(Supplementary exchange of notes.)

The places which ought to be opened are to be chosen, and the regulations are to be drafted by the Chinese Government, but the Japanese Minister must be consulted before making a decision.

Article 6. If the Japanese and German Governments are not able to come to a definite agreement in future in their negotiations respecting transfer, etc., this provisional agreement contained in the foregoing articles shall be void.

GROUP II.*

The Chinese Government and the Japanese Government, with a view to developing their economic relations in South Manchuria agree to the following articles:—

Article 2. Japanese subjects in South Manchuria may, by arrangement with the owners, lease land required for erecting suitable buildings for trade and manufacture or agricultural enterprises.

Article 3. Japanese subjects shall be free to reside and travel in South Manchuria and to engage in business and manufacture of any kind whatsoever.

Article 3a. The Japanese subjects referred to in the preceding two articles, besides being required to register with the local authorities passports which they must procure under the existing regulations, shall also observe police rules and regulations and pay taxes in the same manner as Chinese. Civil and criminal cases shall be tried and adjudicated by the authorities of the defendant nationality and an officer can be deputed to attend the proceedings. But all cases purely between Japanese subjects and mixed cases between Japanese and Chinese, relating to land or disputes arising from lease contracts, shall be tried and adjudicated by Chinese authorities and the Japanese consul may also depute an officer to attend the proceedings. When the judicial system in the said Province is completely reformed, all the civil and criminal cases concerning Japanese subjects shall be tried entirely by Chinese law courts.

RELATING TO EASTERN INNER MONGOLIA.

(To be exchanged by notes.)

1. The Chinese Government declare that China will not in future pledge the taxes, other than customs and salt revenue of that part of Eastern Inner Mongolia under the jurisdiction of South Manchuria and Jehol Intendancy, as security for raising a foreign loan.

2. The Chinese Government declare that China will herself provide funds for building the railways in that part of Eastern Inner Mongolia under the jurisdiction of South Manchuria and the Jehol Intendancy; if foreign capital is required, China will negotiate with Japanese capitalists first, provided this does not conflict with agreements already concluded with other Powers.

The Chinese Government agree, in the interest of trade and for the residence of foreigners, to open by China herself certain suitable places in that part of Eastern Inner Mongolia under the jurisdiction of South Manchuria and the Jehol Intendancy, as commercial marts.

The regulations for the said commercial marts will be made in accordance with those of other commercial marts opened by China herself.

GROUP III.

The relations between Japan and the Hanyehping Company being very intimate, if the said company comes to an agreement with the Japanese capitalists for co-operation, the Chinese Government shall forthwith give their consent thereto. The Chinese Government further declare that China will not convert the company into a state enterprise, nor confiscate it, nor cause it to borrow and use foreign capital other than Japanese.

Letter to be addressed by the Japanese Minister to the Chinese Minister of Foreign Affairs.

Excellency: I have to honor to state that a report has reached me that the Chinese Government has given permission to foreign nation to construct, on the coast of Fukien Province, dock yards, coaling stations for military use, naval bases and other establishments for military purposes; and further, that

* The six articles which are found in Japan's Revised Demands of April 26, 1915, but omitted herein, are those already initialled by the Chinese Foreign Minister and the Japanese Minister.

the Chinese Government are borrowing foreign capital for putting up the above-mentioned constructions or establishments. I shall be much obliged, if the Chinese Government will inform me whether or not these reports are well founded in fact.

Reply to be addressed by the Chinese Minister of Foreign Affairs to the Japanese Minister.

Excellency: I have the honor to acknowledge the receipt of your excellency's note of ------ In reply I beg to state that the Chinese Government have not given permission to foreign Powers to construct, on the coast of Fukien Province, dock yards, coaling stations for military use, naval bases or other establishments for military purposes; nor do they contemplate to borrow foreign capital for putting up such constructions or establishments.

V.

JAPAN'S ULTIMATUM TO CHINA.

(*Delivered by the Japanese Minister to the Chinese Government, May 7, 1915.*)

The reason why the Imperial Government opened the present negotiations with the Chinese Government is first to endeavour to dispose of the complications arising out of the war between Japan and Germany, and secondly to attempt to solve those various questions which are detrimental to the intimate relations of China and Japan with a view to solidifying the foundation of cordial friendship subsisting between the two countries to the end that the peace of the Far East may be effectually and permanently preserved. With this object in view, definite proposals were presented to the Chinese Government in January of this year, and up to to-day as many as twenty-five conferences have been held with the Chinese Government in perfect sincerity and frankness.

In the course of the negotiation the Imperial Government have consistently explained the aims and objects of the proposals in a conciliatory spirit, while on the other hand the proposals of the Chinese Government, whether important or unimportant, have been attended to without any reserve.

It may be stated with confidence that no effort has been spared to arrive at a satisfactory and amicable settlement of those questions.

The discussion of the entire corpus of the proposals was practically at an end at the twenty-fourth conference; that is, on 17th of last month. The Imperial Government, taking a broad view of the negotiation and in consideration of the points raised by the Chinese Government, modified the original proposals with considerable concessions and presented to the Chinese Government on the 26th of the same month the revised proposals for agreement, and at the same time it was offered that, on the acceptance of the revised proposals, the Imperial Government would, at a suitable opportunity, restore, with fair and proper conditions, to the Chinese Government the Kiaochow territory, in the acquisition of which the Imperial Government had made a great sacrifice.

On the 1st of May, the Chinese Government delivered the reply to the revised proposals of the Japanese Government, which is contrary to the expectations of the Imperial Government. The Chinese Government not only did not give a careful consideration to the revised proposals but even with regard to the offer of the Japanese Government to restore Kiaochow to the Chinese Government the latter did not manifest the least appreciation of Japan's goodwill and difficulties.

From the commercial and military points of view Kiaochow is an important place, in the acquisition of which the Japanese Empire sacrificed much blood and money, and, after the acquisition the Empire incurs no obligation to restore it to China. But with the object of increasing the future friendly relations of the two countries, they went to the extent of proposing its restoration, yet to her great regret, the Chinese Government did not take into consideration the good intention of Japan and manifest appreciation of her difficulties. Furthermore, the Chinese Government not only ignored the friendly feelings of the Imperial Government in offering the restoration of Kiaochow Bay, but also in replying to the revised proposals they even demanded its unconditional res-

toration; and again China demanded that Japan should bear the responsibility of paying indemnity for all the unavoidable losses and damages resulting from Japan's military operations at Kiaochow; and still further in connection with the territory of Kiaochow China advanced other demands and declared that she has the right of participation at the future peace conference to be held between Japan and Germany. Although China is fully aware that the unconditional restoration of Kiaochow and Japan's responsibility of indemnification for the unavoidable losses and damages can never be tolerated by Japan yet she purposely advanced these demands and declared that this reply was final and decisive.

Since Japan could not tolerate such demands the settlement of the other questions, however compromising it may be, would not be to her interest. The consequence is that the present reply of the Chinese Government is, on the whole, vague and meaningless.

Furthermore, in the reply of the Chinese Government to the other proposals in the revised list of the Imperial Government, such as South Manchuria and Eastern Inner Mongolia, where Japan particularly has geographical, commercial, industrial and strategic relations, as recognized by all the nations, and made more remarkable in consequence of the two wars in which Japan was engaged the Chinese Government overlooks these facts and does not respect Japan's position in that place. The Chinese Government even freely altered those articles which the Imperial Government, in a compromising spirit, have formulated in accordance with the statement of the Chinese representatives thereby making the statements of the representatives an empty talk; and on seeing them conceding with the one hand and withholding with the other it is very difficult to attribute faithfulness and sincerity to the Chinese authorities.

As regards the articles relating to the employment of advisers, the establishment of schools and hospitals, the supply of arms and ammunition and the establishment of arsenals and railway concessions in South China in the revised proposals they were either proposed with the proviso that the consent of the Power concerned must be obtained, or they are merely to be recorded in the minutes in accordance with the statements of the Chinese delegates, and thus they are not in the least in conflict either with Chinese sovereignty or her treaties with the Foreign Powers, yet the Chinese Government in their reply to the proposals, alleging that these proposals are incompatible with their sovereign rights and treaties with Foreign Powers, defeat the expectations of the Imperial Government. However in spite of such attitude of the Chinese Government, the Imperial Government, though regretting to see that there is no room for further negotiations, yet warmly attached to the preservation of the peace of the Far East, is still hoping for a satisfactory settlement in order to avoid the disturbance of the relations.

So in spite of the circumstances which admitted no patience, they have reconsidered the feelings of the Government of their neighbouring country and, with the exception of the article relating to Fukien which is to be the subject of an exchange of notes as has already been agreed upon by the representatives of both nations, will undertake to detach the Group V. from the present negotiation and discuss it separately in the future.

Therefore the Chinese Government should appreciate the friendly feelings of the Imperial Government by immdiately accepting without any alteration all the articles of Groups I, II, III, and IV and the exchange of notes in connection with Fukien province in Group V, as contained in the revised proposals presented on the 26th of April.

The Imperial Government hereby again offer their advice and hope that the Chinese Government, upon this advice, will give a satisfactory reply by 6 o'clock p. m. on the 9th day of May. It is hereby declared that if no satisfactory reply is received before or at the specified time, the Imperial Government will take steps they may deem necessary.

VI.

EXPLANATORY NOTE.

Accompanying Ultimatum delivered to the Minister of Foreign Affairs by the Japanese Minister, May 7th, 1915.

1. With the exception of the question of Fukien to be arranged by an exchange of notes, the five articles postponed for later negotiation refer to (a)

the employment of advisers, (b) the establishment of schools and hospitals, (c) the railways concessions in South China, (d) the supply of arms and ammunition and the establishment of arsenals and (e) right of missionary propaganda.

2. The acceptance by the Chinese Government of the article relating to Fukien may be either in the form as proposed by the Japanese Minister on the 26th of April or in that contained in the reply of the Chinese Government of May 1st.

Although the ultimatum calls for the immediate acceptance by China of the modified proposals presented on April 26th, without alteration but it should be noted that it merely state the principle and does not apply to this article and Articles 4 and 5 of this note.

3. If the Chinese Government accept all the articles as demanded in the ultimatum the offer of the Japanese Government to restore Kiaochow to China made on the 26th of April, will still hold good.

4. Article 2 of Group II relating to the lease or purchase of land, the terms "lease" and "purchase" may be replaced by the terms "temporary lease" and "perpetual lease" or "lease on consultation," which means a long-term lease with its unconditional renewal:

Article 4 of group II relating to the approval of police laws and ordinances and local taxes by the Japanese consul may form the subject of a secret agreement.

5. The phrase "to consult with the Japanese Government" in connection with questions of pledging the local taxes for raising loans and the loans for the construction of railways, in Eastern Inner Mongolia, which is similar to the agreement in Manchuria relating to the matters of the same kind, may be replaced by the phrase "to consult with the Japanese capitalists."

The article relating to the opening of trade marts in Eastern Inner Mongolia in respect to location and regulations, may, following the precedent set in Shantung, be the subject of an exchange of notes.

6. From the phrase "those interested in the company" in group III of the revised list of demands, the words "those interested in" may be deleted.

7. The Japanese version of the formal agreement and its annexes shall be the official text or both the Chinese and Japanese shall be the official texts.

VII.

REPLY OF THE CHINESE GOVERNMENT TO THE ULTIMATUM OF THE JAPANESE GOVERNMENT.

Delivered to the Japanese Minister by the Minister of Foreign Affairs on the 8th day of May, 1915.

On the 7th of this month, at three o'clock p. m. the Chinese Government received an ultimatum from the Japanese Government together with an explanatory note of seven articles. The ultimatum concluded with the hope that the Chinese Government by 6 o'clock p. m. on the 9th of May, will give a satisfactory reply, and it is hereby declared that if no satisfactory reply is received before or at the specified time, the Japanese Government will take steps she may deem necessary.

The Chinese Government with a view to preserving the peace of the Far East, hereby accepts, with the exception of those five articles of Group V, postponed for later negotiation, all the articles of Group I, II, III, and IV and the exchange of notes in connection with Fukien Province in Group V as contained in the revised proposals presented on the 26th of April, and in accordance with the explanatory note of seven articles accompanying the ultimatum of the Japanese Government with the hope that thereby all the outstanding questions are settled, so that the cordial relationship between the two countries may be further consolidated. The Japanese Minister is hereby requested to appoint a day to call at the Ministry of Foreign Affairs to make the literary improvement of the text and sign the agreement as soon as possible.

VIII.

THE CHINO-JAPANESE TREATIES AND ANNEXES.

COMPLETE ENGLISH TEXT OF THE DOCUMENTS.

The following is an authoritative translation of the two treaties and thirteen notes exchanged between His Excellency the President of the Republic of China and His Majesty the Emperor of Japan through their respective plenipotentiaries:

TREATY RESPECTING THE PROVINCE OF SHANTUNG.

His Excellency the President of the Republic of China and His Majesty the Emperor of Japan, having resolved to conclude a treaty with a view to the maintenance of general peace in the Extreme East and the further strengthening of the relations of friendship and good neighbourhood now existing between the two nations, have for that purpose named as their plenipotentiaries, that is to say:

His Excellency the President of the Republic of China, Lou Tseng-tsiang, *Chung-ching*, First Class *Chia Ho* decoration, Minister of Foreign Affairs.

And His Majesty the Emperor of Japan, Hioki Eki, *Jushii*, Second Class of the Imperial Order of the Sacred Treasure, Minister Plenipotentiary, and Envoy Extraordinary:

Who after having communicated to each other their full powers and found them to be in good and due form, have agreed upon and concluded the following articles:—

Article 1. The Chinese Government agrees to give full assent to all matters upon which the Japanese Government may hereafter agree with the German Government relating to the disposition of all rights, interests and concessions which Germany, by virtue of treaties or otherwise, possesses in relation to the Province of Shantung.

Article 2. The Chinese Government agrees that as regards the railway to be built by China herself from Chefoo or Lungkow to connect with the Kiaochow-Tsinanfu railway, if Germany abandons the privilege of financing the Chefoo-Weihsien line, China will approach Japanese capitalists to negotiate for a loan.

Article 3. The Chinese Government agrees in the interest of trade and for the residence of foreigners, to open by China herself as soon as possible certain suitable places in the Province of Shantung as commercial ports.

Article 4. The present treaty shall come into force on the day of its signature.

The present treaty shall be ratified by His Excellency the President of the Republic of China and His Majesty the Emperor of Japan, and the ratification thereof shall be exchanged at Tokio as soon as possible.

In witness whereof the respective plenipotentiaries of the high contracting parties have signed and sealed the present treaty, two copies in the Chinese language and two in Japanese.

Done at Peking this twenty-fifth day of the fifth month of the fourth year of the Republic of China, corresponding to the same day of the same month of the fourth year of Taisho.

EXCHANGE OF NOTES RESPECTING SHANTUNG.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE. In the name of the Chinese Government I have the honour to make the following declaration to your Government:—"Within the Province of Shantung or along its coast no territory or island will be leased or ceded to any foreign Power under any pretext."

I avail [etc.]

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honor to acknowledge the receipt of your excellency's note of this day's date in which you made the following declaration in the name of the Chinese Government: [Quotes declaration in above note.]

In reply I beg to state that I have taken note of this declaration.

I avail [etc.]

HIOKI EKI.

EXCHANGE OF NOTES RESPECTING THE OPENING OF PORTS IN SHANTUNG.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE. I have the honor to state that the places which ought to be opened as commercial ports by China herself, as provided in Article 3 of the treaty respecting the Province of Shantung signed this day, will be selected and the regulations therefor, will be drawn up, by the Chinese Government itself, a decision concerning which will be made after consulting the Minister of Japan.

I avail [etc.]

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honour to acknowledge the receipt of your excellency's note of this day's date in which you stated: [Repeats statement made in above note.]

In reply, I beg to state that I have taken note of the same.

I avail [etc.]

HIOKI EKI.

EXCHANGE OF NOTES RESPECTING THE RESTORATION OF THE LEASED TERRITORY OF KIAOCHOW BAY.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, In the name of my Government I have the honour to make the following declaration to the Chinese Government:—

When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions:—

1. The whole of Kiaochow Bay to be opened as a commercial port.
2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.
3. If the foreign Powers desire it, an international concession may be established.
4. As regards the disposal to be made of the buildings and properties of Germany and the conditions and procedure relating thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration.

I avail [etc.]

HIOKI EKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE, I have the honour to acknowledge the receipt of your excellency's note of this day's date in which you made the following declaration in the name of your Government:—[Quotes declaration in above note.]

In reply, I beg to state that I have taken note of this declaration.

I avail [etc.]

LOU TSENG-TSIANG.

TREATY RESPECTING SOUTH MANCHURIA AND EASTERN INNER MONGOLIA.

His Excellency the President of the Republic of China and His Majesty the Emperor of Japan, having resolved to conclude a treaty with a view to developing their economic relations in South Manchuria and Eastern Inner Mongolia, have for that purpose named as their Plenipotentiaries, that is to say:

His Excellency the President of the Republic of China, Lou Tseng-tsiang, *Chung-ching*, First Class *Chia-ho* decoration, and Minister of Foreign Affairs; And His Majesty the Emperor of Japan, Hioki Eki, *Jushii*, Second Class of the Imperial Order of the Sacred Treasure, Minister Plenipotentiary and Envoy Extraordinary;

Who, after having communicated to each other their full powers, and found them to be in good and due form, have agreed upon and concluded the following articles:—

Article 1. The two high contracting parties agree that the term of lease of Port Arthur and Dalny and the terms of the South Manchuria Railway and the Antung-Mukden Railway, shall be extended to 99 years.

Article 2. Japanese subjects in South Manchuria may, by negotiation, lease land necessary for erecting suitable buildings for trade and manufacture or for prosecuting agricultural enterprises.

Article 3. Japanese subjects shall be free to reside and travel in South Manchuria and to engage in business and manufacture of any kind whatsoever.

Article 4. In the event of Japanese and Chinese desiring jointly to undertake agricultural enterprises and industries incidental thereto, the Chinese Government may give its permission.

Article 5. The Japanese subjects referred to in the preceding three articles, besides being required to register with the local authorities passports which they must procure under the existing regulations, shall also submit to the police laws and ordinances and taxation of China.

Civil and criminal cases in which the defendants are Japanese shall be tried and adjudicated by the Japanese consul; those in which the defendants are Chinese shall be tried and adjudicated by Chinese authorities. In either case an officer may be deputed to the court to attend the proceedings. But mixed civil cases between Chinese and Japanese relating to land shall be tried and adjudicated by delegates of both nations conjointly in accordance with Chinese law and local usage.

When, in future, the judicial system in the said region is completely reformed, all civil and criminal cases concerning Japanese subjects shall be tried and adjudicated entirely by Chinese law courts.

Article 6. The Chinese Government agrees, in the interest of trade and for the residence of foreigners, to open by China herself, as soon as possible, certain suitable places in Eastern Inner Mongolia as commercial ports.

Article 7. The Chinese Government agrees speedily to make a fundamental revision of the Kirin-Changchun Railway Loan Agreement, taking as a standard the provisions in railway loan agreements made heretofore between China and foreign financiers.

When in future, more advantageous terms than those in existing railway loan agreements are granted to foreign financiers in connection with railway loans, the above agreement shall again be revised in accordance with Japan's wishes.

Article 8. All existing treaties between China and Japan relating to Manchuria shall, except where otherwise provided for by this treaty, remain in force.

Article 9. The present treaty shall come into force on the date of its signature. The present treaty shall be ratified by His Excellency the President of the Republic of China and His Majesty the Emperor of Japan, and the ratifications thereof shall be exchanged at Tokio as soon as possible.

In witness whereof the respective Plenipotentiaries of the two high contracting parties have signed and sealed the present treaty, two copies in the Chinese language and two in Japanese.

Done at Peking this twenty-fifth day of the fifth month of the fourth year of the Republic of China, corresponding to the same day of the same month of the fourth year of Taisho.

EXCHANGE OF NOTES RESPECTING THE TERMS OF LEASE OF PORT ARTHUR AND DALNY AND THE TERMS OF SOUTH MANCHURIAN AND ANTUNG-MUKDEN RAILWAYS.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE, I have the honor to state that, respecting the provisions contained in Article 1 of the treaty relating to South Manchuria and Eastern Inner Mongolia, signed this day, the term of lease of Port Arthur and Dalny shall expire in the 86th year of the Republic or 1997. The date for restoring the South Manchuria Railway to China shall fall due in the 91st year of the Republic or 2002. Article 12 in the original South Manchurian Railway Agreement providing that it may be redeemed by China after 36 years from the day on which the traffic is opened is hereby cancelled. The term of the Antung-Mukden Railway shall expire in the 96th year of the Republic or 2007.

I avail [etc.],

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honor to acknowledge the receipt of your excellency's note of this day's date, in which you stated: [Repeats statement made in above note].

In reply I beg to state that I have taken note of the same.

I avail [etc.],

HIOKI EKI.

EXCHANGE OF NOTES RESPECTING THE OPENING OF PORTS IN EASTERN INNER MONGOLIA.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE, I have the honour to state that the places which ought to be opened as commercial ports by China herself, as provided in Article 6 of the treaty respecting South Manchuria and Eastern Inner Mongolia signed this day, will be selected, and the regulations therefor will be drawn up, by the Chinese Government itself, a decision concerning which will be made after consulting the Minister of Japan.

I avail [etc.],

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honour to acknowledge the receipt of your excellency's note of this day's date in which you stated: [Repeats statement made in above note].

In reply, I beg to state that I have taken note of the same.

I avail [etc.],

HIOKI EKI.

SOUTH MANCHURIA.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE, I have the honour to state that Japanese subjects shall, as soon as possible, investigate and select mines in the mining areas in South Manchuria specified hereinunder, except those being prospected for or worked, and the Chinese Government will then permit them to prospect or work the same; but before the mining regulations are definitely settled, the practice at present in force shall be followed.

Provinces Fengtien.

Locality.	District.	Mineral.
Niu Hsin T'ai	Pen-hsi	Coal
Tien Shih Fu Kou	"	"
Sha Sung Kang	Hai-lung	"
T'ieh Ch'ang	Tung-hua	"
Nuan Ti T'ang	Chin	"
An Shan Chan region	From Liaoyang to Pen-hsi	Iron.

Kirin (southern portion).

Sha Sung Kang	Ho-lung	C. & I.
Kang Yao	Chi-lin (Kirin)	Coal.
Chia P'i Kou	Hua-tien	Gold.

I avail [etc.],

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honour to acknowledge the receipt of your excellency's note of this day respecting the opening of mines in South Manchuria, stating: [Repeats statement made in above note.]

I avail [etc.],

HIOKI EKI.

EXCHANGE OF NOTES RESPECTING RAILWAYS AND TAXES IN SOUTH MANCHURIA AND EASTERN INNER MONGOLIA.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE, In the name of my Government.

I have the honour to make the following declaration to your Government:—

China will hereafter provide funds for building necessary railways in South Manchuria and Eastern Inner Mongolia; if foreign capital is required China may negotiate for a loan with Japanese capitalists first; and further, the Chinese Government, when making a loan in future on the security of the taxes in the above-mentioned places (excluding the salt and customs revenue which have already been pledged by the Chinese Central Government) may negotiate for it with Japanese capitalists first.

I avail [etc.],

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honour to acknowledge the receipt of your excellency's note of this day's date respecting railways and taxes in South Manchuria and

Eastern Inner Mongolia in which you stated: [Repeats the declaration made in above note.]

In reply I beg to state that I have taken note of the same.

I avail [etc.]

HIOKI EKI.

EXCHANGE OF NOTES RESPECTING THE EMPLOYMENT OF ADVISERS IN SOUTH MANCHURIA.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE. In the name of the Chinese Government, I have the honour to make the following declaration to your Government:—

"Hereafter, if foreign advisers or instructors on political, financial, military or police matters are to be employed in South Manchuria, Japanese may be employed first."

I avail [etc.],

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25 day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honour to acknowledge the receipt of your excellency's note of this day's date in which you made the following declaration in the name of your Government: [Repeats declaration made in above note.]

In reply, I beg to state that I have taken note of the same.

I avail [etc.],

HIOKI EKI.

EXCHANGE OF NOTES RESPECTING THE EXPLANATION OF "LEASE BY NEGOTIATION" IN SOUTH MANCHURIA.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honour to state that the term lease by negotiation contained in Article 2 of the treaty respecting South Manchuria and Eastern Inner Mongolia signed this day shall be understood to imply a long-term lease of not more than thirty years and also the possibility of its unconditional renewal.

I avail [etc.],

HIOKI EKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE. I have the honour to acknowledge the receipt of your excellency's note of this day's date in which you state: [Repeats statement made in above note.]

In reply I beg to state that I have taken note of the same.

I avail etc.,

LOU TSENG-TSIANG.

EXCHANGE OF NOTES RESPECTING THE ARRANGEMENT FOR POLICE LAWS AND ORDINANCES AND TAXATION IN SOUTH MANCHURIA AND EASTERN INNER MONGOLIA.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE. I have the honor to state that as regards the police laws and ordinances and the taxation to which Japanese subjects shall submit according to Article 5 of the treaty respecting South Manchuria and Eastern

Inner Mongolia signed this day, the Chinese authorities will come to an understanding with the Japanese consul before their enforcement.

I avail [etc.]

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honour to acknowledge the receipt of your excellency's note of this day's date in which you state: [Repeats statement made in above note.]

In reply, I beg to state that I have taken note of the same.

I avail [etc.]

HIOKI EKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE. I have the honour to state that, inasmuch as preparations have to be made regarding Articles 2, 3, 4 & 5 of the treaty respecting South Manchuria and Eastern Inner Mongolia signed this day, the Chinese Government proposes that the operation of the said articles be postponed for a period of three months beginning from the date of the signing of the said treaty.

I hope your Government will agree to this proposal.

I avail [etc.]

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, I have the honour to acknowledge the receipt of your excellency's note of this day's date in which you stated that: [Repeats statement made in above note.]

In reply, I beg to state that I have taken note of the same.

I avail [etc.]

HIOKI EKI.

EXCHANGE OF NOTES RESPECTING THE MATTER OF HANYEHPING.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE. I have the honour to state that if in future the Hanyehping Company and the Japanese capitalists agree upon co-operation, the Chinese Government, in view of the intimate relations subsisting between the Japanese capitalists and the said company, will forthwith give its permission. The Chinese Government further agrees not to confiscate the said company, nor, without the consent of the Japanese capitalists, to convert it into a state enterprise, nor cause it to borrow and use foreign capital other than Japanese.

I avail [etc.]

LOU TSENG-TSIANG.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY. I have the honour to acknowledge the receipt of your excellency's note of this day's date in which you state: [Repeats statement made in above note.]

In reply, I beg to state that I have taken note of the same.

I avail [etc.]

HIOKI EKI.

EXCHANGE OF NOTES RESPECTING THE FUKIEN QUESTION.

The Japanese Minister to the Minister of Foreign Affairs.

PEKING, *the 25th day of the 5th month of the 4th year of Taisho.*

EXCELLENCY, A report has reached me to the effect that the Chinese Government has the intention of permitting foreign nations to establish, on the coast of Fukien Province, dock-yards, coaling stations for military use, naval bases, or to set up other military establishments; and also of borrowing foreign capital for the purpose of setting up the above-mentioned establishments.

I have the honour to request that your excellency will be good enough to give me reply stating whether or not the Chinese Government really entertains such an intention.

I avail [etc.]

HIOKI EKI.

The Minister of Foreign Affairs to the Japanese Minister.

PEKING, *the 25th day of the 5th month of the 4th year of the Republic of China.*

MONSIEUR LE MINISTRE. I have the honour to acknowledge the receipt of your excellency's note of this day's date which I have noted.

In reply I beg to inform you that the Chinese Government hereby declares that it has given no permission to foreign nations to construct, on the coast of Fukien Province, dock-yards, coaling stations for military use, naval bases, or to set up other military establishment; nor does it entertain an intention of borrowing foreign capital for the purpose of setting up the above-mentioned establishments.

I avail [etc.]

LOU TSENG-TSIANG.

File No. 793.94/417.

The Secretary of State to the Chinese Minister.

DEPARTMENT OF STATE,
Washington, July 10, 1915.

SIR: I have the honor to acknowledge, with thanks, the receipt of your note of July 6th, inclosing a copy of an official statement by the Chinese Government respecting the recent negotiations with Japan, and also a copy of the treaties and annexes resulting from those negotiations.

Accept [etc.]

ROBERT LANSING.

File No. 793.94/475.

Ambassador Guthrie to the Secretary of State.

No. 359.] AMERICAN EMBASSY,
Tokyo, October 8, 1915.

SIR: I have the honor to report that a disagreement has arisen between Japan and China as to whether the treaty of May 25 last respecting South Manchuria and Inner Mongolia applies to Koreans residing in Chientao, a portion of Manchuria lying on the north of the Tumen River; or whether on the other hand such residents are covered solely by the agreement of February 4, 1909, between Japan and China.

If the latter is the case, then Koreans resident in Chientao are subject to the jurisdiction of the Chinese judicial authorities; if the

former, then suits against such Korean residents must be tried before the Japanese consul.

After the establishment of the protectorate over Korea, Japan on September 4, 1909, concluded an agreement with China fixing the Tumen River as the boundary between China and Korea [57] (which in the past had been a subject of dispute) and defining the rights of Korean residents in Chientao.

On August 21, 1910, Korea was formally annexed by Japan, whereupon the Koreans became Japanese subjects. Notwithstanding this, however, the Chientao agreement was recognized by both Japan and China as still operative, and the Chinese judicial authorities in Chientao continued to exercise jurisdiction over Koreans residing in that territory as theretofore until the conclusion of the treaty relating to South Manchuria and Inner Mongolia of May 25 last above referred to, which confers upon all Japanese subjects the right of residence, etc., in "South Manchuria," and gives to Japanese consuls therein jurisdiction over suits in which such Japanese residents are defendants.

After the conclusion of this treaty the Japanese authorities, claiming that it applied to Chientao, proceeded to assert jurisdiction over suits brought against Koreans residing therein, but the Chinese judicial authorities in Chientao denied this claim and continued to exercise judicial authority over Korean residents as theretofore.

Article III of the new treaty gives all Japanese subjects without distinction liberty to reside and carry on business in all parts of South Manchuria. Article V confers on Japanese consuls in South Manchuria exclusive jurisdiction over suits brought against Japanese subjects resident therein. And Article VIII provides that "Except as otherwise provided in this treaty, all existing treaties between Japan and China with respect to Manchuria shall remain in force."

The local newspapers here in referring to the dispute say that the Chinese contend that the new treaty applies only to South Manchuria and that Chientao is not a part of South Manchuria and therefore is not affected by the new treaty which, by Article VIII above quoted, continues in force all existing treaties between Japan and China with respect to Manchuria when not otherwise provided in the treaty.

Positive information concerning the Chinese contention in this case is not obtainable here. It would seem, however, to be that Chientao is not a part of South Manchuria, to which the new treaty is restricted, and that therefore the new treaty has no application to it, and that the old treaty is continued in force by the express provisions of Article VIII above quoted.

The whole dispute, therefore, would seem to resolve itself into a question as to whether Chientao belongs to South Manchuria or to North Manchuria.

The Japanese Foreign Office, however, says that China has not raised this point; that Chientao has by custom always been regarded as a part of South Manchuria; and that Japan with the cognizance of China at present actually exercises consular jurisdiction under the treaty in the territory contiguous to Chientao on the north. This it considers as amounting to a tacit admission on the part of China that the district in question is a part of South Manchuria.

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[57] For. Rel. 1909, p. 119.

According to the Foreign Office the contention of China is based solely on the wording of Article VIII of the treaty (above quoted), maintaining that by it the former agreement respecting Chientao is continued in full force and effect. What the reasons for the position taken by the Chinese Government are, the Foreign Office states it does not clearly understand, not being as yet in full possession of the details of their argument. It thinks, however, that it is due to a misunderstanding resulting from an erroneous reading or interpretation of the article in question, and that as soon as this is removed, the dispute will be amicably settled.

I have [etc.]

GEORGE W. GUTHRIE.

CLAIMS OF AMERICAN CITIZENS AGAINST CHINA GROWING OUT OF THE REVOLUTION OF 1911–1912 AND THE REVOLT OF 1913. ASSENT OF INTERESTED GOVERNMENTS TO RETURN TO THE CHINESE GOVERNMENT OF UNUSED BALANCE OF CLAIMS FUND; NEGOTIATIONS REGARDING ALLOCATION OF REVENUES FOR CLAIMS PURPOSES.[58]

File No. 493.11/561.

Minister Reinsch to the Secretary of State.[59]

[Extract.]

No. 562.] AMERICAN LEGATION,
Peking, March 4, 1915.

SIR: Referring to the status of the question as to the return to the Chinese Government of the surplus remaining out of the fund of two million pounds allocated for the payment of indemnities for damages suffered by foreigners and foreign interests in consequence of the Revolution of 1911, I have the honor to enclose herewith copies of diplomatic circulars under date of December 29 (No. 194) and February 23 (No. 15) last.

It will be noted that, as stated in the Dean's circular of the 23d ultimo, all the Legations have now assented to the proposal of the Chinese Government that it should now draw from the Group Banks the balance of £1,306.000 odd, standing to its credit after the payment of claims to the amount of £627,780, and leaving a balance of £66,000 for the adjustment of indemnity claims not yet settled.

I have [etc.]

PAUL S. REINSCH.

[Inclosure.]

Diplomatic Circular No. 15.

PEKING, *February 23, 1915.*

SURPLUS CLAIMS FUNDS.

With reference to Circular No. 194 of December 29th last, regarding the disposal of the surplus revolutionary claims fund, the Dean has the honour to inform his honourable colleagues that all the heads of missions have now assented

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[58] Continued from For. Rel. 1914, pp. 81–95.
[59] Receipt acknowledged April 14, 1915.

to the proposal contained in the Wai Chiao Pu's note of December 28th last, and he accordingly submits herewith for their approval the draft of a reply communicating this assent to the Chinese Government.

Circular No. 194 is annexed hereto for convenience of reference, together with the letter from his excellency the Minister for Japan notifying his decision on the subject in question.

[Subinclosure 1.]

The Dean of the Diplomatic Corps to the Wai Chiao Pu.

DRAFT.

PEKING, ———— —, *1915.*

SIR: I have the honour to acknowledge the receipt of the Wai Chiao Pu's note of December 28th last on the hubject of the foreign losses sustained during the Revolution of 1911 and to inform your excellency that the Diplomatic Body concur in the proposal of the Chinese Government to withdraw the balance remaining of the sum of £2,000,000 reserved for the payment of these losses under the Reorganization Loan Agreement and at present kept at the Group Banks.

I avail [etc.]

[Subinclosure 2.]

Diplomatic Circular No. 194.

PEKING, *December 29, 1914.*

SURPLUS CLAIMS FUNDS.

The Dean has the honour to circulate herewith copy of a note which he has received from the Wai Chiao Pu respecting the disposal of the surplus of the funds set aside for payment of foreign claims arising out of the Revolution of 1911.

The matter is one which primarily concerns the five Legations interested in the Reorganization Loan; but inasmuch as the note is addressed to Sir John Jordan as Dean, and as the payment of the Revolution claims is a question that concerns the whole Diplomatic Body, the Dean thinks it well to submit the note for the considerâtion of all his honourable colleagues.

Sir John Jordan himself has no objection to the procedure proposed by the Wai Chiao Pu.

[Subinclosure 3—Translation.]

The Wai Chiao Pu to the Dean of the Diplomatic Corps.

PEKING, *December 28, 1914.*

SIR: With reference to the question of foreign losses sustained during the Revolution of 1911, this Ministry in the month of November last notified the foreign Ministers in Peking to the effect that the claims then already settled by the Claims Investigation Committee and which had been paid amounted to a little over £500,000, and as there were then a few outstanding cases of claims of France, Denmark and Belgium, this Ministry proposed to reserve £400,000 to be kept to meet the probable requirements, and that this Government intended to draw the balance of fund at the Groups Banks of about £1,000,000.

We now find that the outstanding cases have either been settled or withdrawn and that the cases not yet paid require about £66,000. This sum, when added to £627,780 already paid up to the present, brings the total to £693,780 odd. Deducting this last figure from the total reserve fund of £2,000,000 kept at the Group Banks, the balance available at our order is about £1,306,000 odd. We hereby inform your excellency that the Government intends to draw from the Group Banks the whole amount of the above-mentioned balance of about £1,306,000 odd. The Ministry of Finance will make arrangements directly with the Group Banks for the drawing of this sum, in accordance with Annex E of

the Reorganization Loan Agreement concerning administrative expenditures. We request that your excellency would kindly convey this message to the other foreign Ministers concerned, and we would feel obliged if your excellency would give us an early reply on this subject.

[Subinclosure 4.]

The Japanese Minister to the Dean of the Diplomatic Corps.

JAPANESE LEGATION,
Peking, February 20, 1915.

SIR: With reference to your Circular No. 194, dated the 29th December last, re the disposal of the surplus claims funds, I have now the honour to inform you under instructions that I have no objection to the procedure proposed by the Wai Chiao Pu.

I avail [etc.]

E. HIOKI.

File No. 493.11/574.

Chargé MacMurray to the Secretary of State.[61]

AMERICAN LEGATION,
No. 705.] *Peking, July 26, 1915.*

SIR: I have the honor to recall that in despatch No. 93 of January 30, 1914,[17] the Legation submitted for the approval of the Department an exchange of notes between the Dean of the Diplomatic Body and the Wai Chiao Pu modifying the existing arrangement in regard to the allocation of customs revenues for the service of loans and the payment of the Boxer indemnities; and that this arrangement received the approval of the Department in its instruction No. 51 of March 4, 1914.[17] In order to make clear the manner in which that arrangement was evolved by modifications of the original arrangement of January 30, 1912, for the establishment of a Commission of Bankers to receive the Customs revenues for the service of the foreign debt charged thereon, I enclose herewith a copy of that original arrangement [Inclosure 3] with notes indicating the amendments subsequently adopted.

Under date of November 14, 1914, the Wai Chiao Pu, in view of its apprehensions that the Customs revenues would prove insufficient to meet the debts charged upon it (as reported in the Legation's No. 352 of September 3rd last)[62], addressed to the Dean of the Diplomatic Body a note of which the translation is as follows:

With reference to the procedure for meeting the service of loan and indemnity payments from Customs funds, your excellency will remember that I had the honour on 15th January last to communicate to you my assent to the alteration made by the Inspector General of Customs in Clause 2 of the original arrangement to meet the situation. Subsequently, owing to the effect of the European War, a shortage arose in the Customs receipts, and on August 18th I informed your excellency that it was proposed to follow the procedure laid down in 1911, namely, to meet payments as far as funds would allow and to temporarily suspend payment in full.

In order to prove its good faith in the matter and to create confidence, the Government of the Chinese Republic now proposes that if at the end of

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[17] Not printed.
[61] Receipt acknowledged September 25, 1915.
[62] For. Rel. 1914, p. 76.

the year there is any sum either of the loan or of the indemnity payments still outstanding such shall be paid out of the surplus salt funds or out of the internal loan of the 3rd Year of the Republic (1914). In order to avoid confusion and change, the arrangement as revised on 15th January for meeting both the loan and indemnity services shall continue in force.

The Shui Wu Ch'u are issuing orders accordingly to the Inspector General, and I have the honour to inform your excellency of the above facts and would request you to transmit the information to the Ministers in Peking of the countries whom it may concern.

A considerable correspondence ensued between the Diplomatic Body and the Minister for Foreign Affairs, in consequence of the apprehension that the Chinese proposal did not sufficiently safeguard the principles that: (a) the service of loans contracted prior to 1900 has priority over that of the Boxer indemnities, as a charge upon the Maritime Customs revenue; and that (b) under the Protocol of 1901 the salt revenue is liable to make monthly provision for the service of the indemnity.

This correspondence terminated with a note from the Wai Chiao Pu to the Dean of the Diplomatic Body under date of June 9th, for translation of which see the enclosed copy of Diplomatic Circular No. 57 of June 14th [Inclosure 1], and the Dean's reply under date of July 22nd, 1915, in the terms of the draft proposed in Diplomatic Circular No. 66 of the 6th July, of which a copy is enclosed [Inclosure 2]. It will be noted that the result of this correspondence is to continue in effect the agreement on this subject as reported to the Department in the despatch cited above—subject, however, to the reservation that the assent of the Diplomatic Body is "made subject to the reservation of the right of any interested Power to insist that, in the event of any doubt arising as to the sufficiency of the Maritime Customs revenues and the Salt revenues to defray all charges secured thereon in respect to the Loan and Indemnity services, the payments of the proceeds of the Maritime Customs' revenues to the Indemnity Banks shall be deferred until full provision has been made for meeting the service of the loans contracted prior to 1900."

I have [etc.]

J. V. A. MacMurray.

[Inclosure 1.]

Diplomatic Circular No. 57.

PEKING, *June 14, 1915.*

LOAN AND INDEMNITY PAYMENTS.

With reference to Circular No. 37 of April 13th last, on the subject of the procedure for meeting the service of loan and indemnity payments from Customs Revenues, the Dean has the honour to circulate translation of the reply which has been received from the Wai Chiao Pu to the note addressed to them on the 5th ultimo, and he would be glad to learn what action his honourable colleagues would wish to take in the matter.

For his own part Sir John Jordan would be prepared to acquiesce in the proposal of the Chinese Government, as he understands that circumstances have now rendered it practical to revert to the arrangement for concurrent monthly service that was in force during the first half of the year 1914. It appears to Sir John Jordan that this arrangement secures the two principles

for which the Diplomatic Body have contended during the present discussion, namely, on the one hand the recognition of the priority of the service of the loans over that of the indemnity in regard to the Maritime Customs Revenue, and on the other hand the recognition of the liability of the Salt Revenue, in terms of the Protocol of 1901, to make monthly provision for the service of the indemnity.

COMMENTS.

I agree, on condition that the right of any interested Power should be reserved to insist upon the payment of the indemnity to be delayed until full provision for the service of the loans prior to 1900 is made, in case of any doubt arising as to the sufficiency of Maritime Customs and Salt Revenues to meet all payments on both liabilities.

B. KROUPENSKY.

I accord with the note of the Honorable Dean.

BEELAERTS.

[Subinclosure.]

The Wai Chiao Pu to the Dean of the Diplomatic Corps.

PEKING, *June 9, 1915.*

SIR: This Ministry having made inquiries now learns from the Inspector General of Customs that the procedure desired by the Diplomatic Body and laid down in the revised wording of Article 2 has in fact been followed since January, 1915. The Inspector General states that all loan and indemnity payments have been fully paid to the end of April and that on the 30th of April the balance of foreign revenue in the three custodian banks was sufficient with estimated May and June revenue to more than cover the loan payments to the end of June.

The Inspector General states that as exchange is now steady and reliable estimates of revenue can now be made, it is desirable to revert to the procedure in force before the war and to arrange with the Salt Department a concurrent service for loans and indemnity.

In these circumstances this Ministry considers that it is no longer necessary to revise the wording of Article II which in its present form permits a concurrent loan and indemnity service to be conducted. If this view meets with the assent of the Diplomatic Body, instructions will be issued to the Inspector General to prepare a table for a concurrent loan and indemnity service for the half year July to December showing the amounts required each month from the Salt Department in aid of the indemnity fund.

I avail [etc.]

SEAL OF THE WAI CHIAO PU.

[Inclosure 2.]

Diplomatic Circular No. 66.

PEKING, *July 6, 1915.*

LOAN AND INDEMNITY PAYMENTS.

The Dean has the honour to submit, herewith, for the approval of his honourable colleagues a draft reply which he has prepared to the Wai Chiao Pu note of the 9th ultimo relative to the procedure for meeting the service of loan and indemnity payments from Customs funds.

The draft reply contains the reservation suggested by his excellency the Russian Minister and endorsed by his excellency the Italian Minister in the observations they were good enough to offer on the Décanat Circular No. 57 of June 14th.

[Subinclosure.]

The Dean of the Diplomatic Corps to the Wai Chiao Pu.

PEKING, *July 22, 1915.*

SIR: I have the honour to inform you that the Diplomatic Body have had under consideration your excellency's note of the 9th of June, relative to the procedure for meeting the service of loan and indemnity payments from Customs funds, and that in view of the statements of the Inspector General

of Maritime Customs contained therein, they are prepared to concur in the view of the Chinese Government that it is no longer necessary for them to press for the revision of Article II of the revised arrangement for meeting the service of loan and indemnity payments.

The assent of the Diplomatic Body to the course proposed in your excellency's note of the 9th ultimo is, however, made subject to the reservation of the right of any interested Power to insist that, in the event of any doubt arising as to the sufficiency of the maritime customs revenues and the salt revenues to defray all charges secured thereon in respect to the Loan and Indemnity services, the payments of the proceeds of the maritime customs' revenues to the Indemnity Banks shall be deferred until full provision has been made for meeting the service of the loans contracted prior to 1900.

[Inclosure 3.]

International arrangement for the establishment of a Commission of Bankers to receive the Customs revenue for the service of the Foreign Debt charged thereon.[1]

PEKING, *January 30, 1912.*

Clause 1. The International Commission of Bankers shall consist of the Managers of the Banks interested in the service of all outstanding loans secured by the customs revenue contracted previous to 1900 and/or the Indemnity payments. The said commission shall decide all questions of priority of claim between foreign loan payments and shall draw up a schedule of the various payments to be made in this connection for the guidance of the Commissioner of Customs at Shanghai.

Clause 2. The Banks chiefly interested, viz., the Hongkong & Shanghai Banking Corporation, the Deutsch-Asiatische Bank, and the Russo-Asiatic Bank shall be custodians of the customs funds at Shanghai.[2]

Clause 3. The Inspector General of Customs shall account to the commission appointed for the net customs revenue until such time as the Chinese Government are in a position to resume payments of loans and indemnity.

Clause 4. The Inspector General of Customs shall arrange for a weekly remittance of net revenue from all collecting points to Shanghai.

Clause 5. The Inspector General of Customs shall arrange that the net revenue accumulated at Shanghai shall be divided weekly in as nearly as possible equal amounts between the Hongkong & Shanghai Banking Corporation, the Deutsch-Asiatische Bank, and the Russo-Asiatic Bank for account of the loans concerned and indemnity payments, and the Commissioner of Customs shall be authorized to draw upon these accounts for loan payments as they fall due according to the priority of such loans as determined by the Commission of Bankers in terms of Clause No. 1.

Clause 6. If normal conditions are not restored by the end of 1912 then at that time an account shall be taken of the surplus available for the Indemnity, and such account shall be sent to the Diplomatic Body for their decision as to its disposal.[3]

Clause 7. The Commission shall furnish to the Diplomatic Body at Peking, through the Consuls at Shanghai, a quarterly report showing the appropriation of the revenue received.

Clause 8. The above arrangement is subject to future revision should circumstances require it.

NOTE 1.—The terms of this arrangement were proposed by the Wai Wu Pu in a note addressed to the Dean of the Diplomatic Body on January 21, 1912, and were approved by a communication which the Dean addressed to the Wai Wu Pu in behalf of the Diplomatic Body on January 30th, 1912. (See Diplomatic Circular No. 15, January 23, 1912, and No. 15, January 2.)

NOTE 2.—At the meeting of the Diplomatic Body on April 7th, 1913, it was decided to amend Clause 2 by adding the sentence: "But as soon as the service for the current year of all loans contracted before 1900 is provided for by funds in these Banks, then the surplus shall be divided pro rata till the end of 1913 amongst the Banks having charge of the Indemnity Service."

At the meeting of the Diplomatic Body on December 24th, 1913, the following sentence was substituted for the above: "At the end of each month, beginning with January, 1914, the surplus, after all payments due each month on account of loans secured on the Customs Revenues and contracted previous to 1900 have been fully met, shall be divided pro rata amongst the Banks having charge of the Indemnity Service up to the amount of the instalments of the Indemnity respectively due to them each month." This arrangement was accepted by the Wai Chiao Pu in a note to the Dean of the Diplomatic Body dated January 15th, 1914. (See Diplomatic Circular No. 12, January 16th, 1914.)

NOTE 3.—At the meeting of the Diplomatic Body on April 7th, 1913, it was decided to cancel Clause 6.

File No. 893.811/175.

HUAI RIVER CONSERVANCY PROJECT; EXTENSION OF RED CROSS OPTION.[63]

The Central Committee of the American Red Cross to the Secretary of State.

NATIONAL HEADQUARTERS,
Washington, January 6, 1915.

SIR: Referring to your letter to the undersigned of December 23 in which the Department acknowledged receipt of my letter of December 19, 1914, respecting an advance of five million dollars ($5,000,000) on the Huai River loan; and to the information conveyed by the Department that pursuant to the suggestion of the Central Committee of the Red Cross a telegram was being sent to the Minister at Peking on December 22, 1914, expressive of the views of the Red Cross on the subject of the Huai River conservancy, a paraphrase of which telegram was communicated to the Red Cross by the same letter from the Department of December 23; and referring also to a further request of the Red Cross that the dispatch transmitted for delivery to the Chinese Government be held by the Minister at Peking I would now say that after the consideration of the matter in the light of results of the further inquiry on which a hope was based of obtaining a loan for China, that this hope has not as yet been realized, and I have to ask that the dispatch, of which a paraphrase was submitted on December 23, be now delivered by the Minister at Peking to the Chinese Government, so that it will read as follows:

Red Cross engineers report Huai River Conservancy project entirely practical but that war conditions make the negotiation of a loan or contract to obtain an advance of funds at this time almost impossible. Inquiry is made as to whether China desires Red Cross to continue its efforts towards working out a solution of the project. If so, Red Cross will be glad to continue to exert its efforts. Meanwhile formal extension of exclusive option to Red Cross desirable. If China concedes extension Red Cross desires American Minister to make necessary arrangements. Two hundred copies of board's final report delivered to Chinese Minister in Washington this day.

I will be glad if this dispatch can be transmitted to the American Minister at Peking.

Your very sincerely,

GEO. W. DAVIS,
Chairman.

File No. 893.811/175.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 11, 1915.

Please substitute following for Department's December 22 and present to Chinese Government:

[Telegram contained in the above letter from Mr. Davis.]

BRYAN.

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[63] Continued from For. Rel. 1914, pp. 95–119.

File No. 893.811/175.

The Secretary of State to Minister Reinsch.

No. 233.] DEPARTMENT OF STATE,
Washington, January 11, 1915.

SIR: In further reply to your despatch No. 424 of October 28, 1914, relating to the need of an advance of $5,000,000 on the proposed Huai River loan, I send you herewith copy of a letter dated January 6, 1915, from the American Red Cross to the Department of State on these matters.

The Department has today telegraphed you in the sense suggested by the Red Cross.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 893.811/180.

The Central Committee of the American Red Cross to the Secretary of State.

NATIONAL HEADQUARTERS,
Washington, January 20, 1915.

SIR: The American Red Cross would be very glad if the American Minister at Peking could be asked by telegraph to urge the extension of the option for placing a loan for the Chinese River Conservancy which will expire on the 31st instant.

GEO. W. DAVIS,
Chairman.

File No. 893.811/180.

The Secretary of State to Minister Reinsch.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, January 20, 1915.

Department's January 11. Urge extension of option. There is possibility obtaining funds.

BRYAN.

File No. 893.811/180.

DEPARTMENT OF STATE,
Washington, February 3, 1915.

Department's January 11, and January 20. Has option been extended? If so, to what date? Telegraph present status of matter.

BRYAN.

File No. 893.811/182.

Minister Reinsch to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Peking, February 4, 1915.

Your February 3. Presidential rescript just issued extending Huai River option for one year.

Minister Shah transmitted several suggestions for amendment of the proposed contract which the Minister of Commerce discussed with me and which I believe I convinced him to be utterly impracticable.

REINSCH.

File No. 893.811/198.

AMERICAN LEGATION,
Peking, October 25, 1915.

The Chinese Government has inquired about the likelihood of the Huai River conservancy loan being consummated before January. They are desirous that this necessary improvement should not be delayed. I have the honor to mention that the Siems-Carey Company, about to begin business in China, are ready to undertake the construction work and that the National City Bank of New York might be induced to assist in financing. Possible Rockefeller Foundation or Carnegie Endowment might make the initial investment in bonds considering the safeness and humanitarian purpose of the loan.

REINSCH.

File No. 893.811/198.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 6, 1915.

Your telegram October 25. Red Cross reports matter having careful attention. Bankers will hold conference on subject Monday in New York. Carey due in Shanghai today.

LANSING.

File No. 893.811/201.

Minister Reinsch to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, December 17, 1915.

Please inform me concerning state of Huai River negotiations. The Chinese Government is in an expectant attitude as to whether the United States will be able to accomplish this enterprise and desires very much to see improvement undertaken. It might be possible for me to prevail upon the Government to set aside sufficient

revenue to meet the interest charges on the capital during the time of construction thus reducing the amount of the loan and improving security. If considered essential it might also be possible to obtain period of six months for further examination and report by the engineers of the bankers, [if?] the latter actually would agree to furnish the capital unless the engineers should pronounce work unprofitable or not feasible. It is hoped that this great work of progress with which the American name is linked may now actually be undertaken while the influences in the Government are favorable and ready to make the most liberal arrangements.

REINSCH.

File No. 893.811/201.

The Secretary of State to Minister Reinsch.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, December 18, 1915.

Your telegram of December 17. American International Corporation considering and will reply in few days.

LANSING.

File No. 893.811/201.

DEPARTMENT OF STATE,
Washington, December 28, 1915.

Your telegram December 17. Red Cross has taken up conservancy scheme with American bankers. American International Corporation alone have shown disposition to interest themselves therein. They feel, however, that in view of present political situation in Far East, it might be prejudicial to best interests China should Americans now actively negotiate with Chinese Government for a large loan. Even if loan were concluded, it would moreover probably be impossible to issue here at this time on terms satisfactory to China. Bankers appreciate that option expires at end of January but consider in view of world wide situation, if China is really desirous of interesting American capital this enterprise, should be possible for Government extend option at least another year. In the meantime, bankers suggest that it would be desirable for Legation to place representative Siems-Carey in touch with proper officials in order that they may discuss general plans which might become operative upon improvement general situation.

LANSING.

File No. 893.811/202.

Minister Reinsch to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, December 30, 1915.

Your December 28 indicates certain apprehensions on the part of American bankers which are unwarranted and which ought not to control unless American enterprise is to forego present opportunities through abnormal modesty and timidity. To carry out a loan agreement initiated two years ago could in any case redound only to the

advantage of the United States and best interests of China. Fortunately the political situation has not yet undergone such radical changes that American capitalists need ask permission of their competitors before engaging even in new business with China. In fact these competitors still harbor the idea that Americans really desire to do business here. As to the internal political conditions nothing has occurred which affects the security of foreign investment: if anything they favor those on the ground ready to take advantage of opportunities for securing ample and secure foundation for future enterprise. It is to be hoped that some of the leading American financiers should visit China in person in order to obtain a direct judgment of conditions which it is believed contain all the elements favorable to a sound establishment of American business interests in China for a long time to come when European markets shall fail us.

REINSCH.

File No. 893.811/202.

The Secretary of State to the American Red Cross.

DEPARTMENT OF STATE,
Washington, December 31, 1915.

GENTLEMEN: I have to enclose herewith for your information paraphrase of a telegram of December 30, 1915, from the American Minister at Peking, relative to the proposed Huai River Conservancy loan.

I am [etc.] For the Secretary of State:
ALVEY A. ADEE.

TAXATION OF FOREIGNERS. NEW STAMP TAX. INTERPRETATION OF THE TREATY OF 1903 IN RELATION TO CHINESE INTERNAL TAXES AND TO THE STATUS OF TREATY PORTS.[64]

File No. 893.512/45.

Minister Reinsch to the Secretary of State.

No. 588.] AMERICAN LEGATION,
Peking, March 22, 1915.

SIR: Referring to the telegram of July 20, in which the Legation brought to the attention of the Department the situation created by the Chinese authorities in imposing upon American goods certain inland charges considered to be irreconcilable with treaty stipulations, I have the honor to transmit herewith for the consideration of the Department an instruction on that general subject which the Legation addressed to the Consulate General at Shanghai under date of July 25 last, which but for a regrettable oversight would have been submitted to the Department at that time. In transmitting this instruction I have to report that the particular cases to which it refers have all, as is not infrequently the case with matters of dispute with the Chinese Government, come to an indeterminate conclu

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[64] Continued from For. Rel. 1914, pp. 119–132.

sion—the particular causes of the complaint having disappeared but the Chinese authorities having conceded nothing.

Upon receipt of the Department's telegraphic instruction of July 21, the Chargé d'Affaires took occasion to intimate informally both to the Minister for Foreign Affairs and to the Minister of Finance that the manifest effort of the Chinese Government to pare down to a minimum its obligations in the matter of inland taxation did not predispose our Government towards a feeling of confidence that it would, in the interests of its citizens, be justified in conceding such a liberal construction of treaty provisions as would be implied in the acceptance of the proposed stamp tax as applicable to its nationals. It should perhaps be added that neither of those Ministers showed any indication of concern at that intimation; and the Minister of Finance pointed out that, even if the nationals of the Treaty Powers were to ignore the tax, yet no doubt the Chinese parties to any contract potentially suable in Chinese courts would be sufficiently cautious to affix such stamps as might be necessary to insure the validity of the document under their national law; and (perhaps with a sound appreciation of the habit of mind which leads the Chinese to take no chances on anything) he seemed quite indifferent to the consideration that, in order to vindicate their contractual rights against foreigners, Chinese citizens would have to sue in consular courts which do not recognize the payment of a stamp tax as a condition of the validity of a contract.

Almost immediately after these informal representations the European war broke out; and in the midst of the preoccupations consequent upon it the various questions of inland taxation were for the time being lost sight of, both by the Chinese Government and by the Legation and the Consulates. On the resumption of more normal conditions, it appeared that the several causes of complaint in this matter had almost entirely ceased; and during the past six months or so the attention of the Legation has been drawn only infrequently and sporadically to cases of illegal taxation of that sort—either in the form of destination taxes (of the nature indicated under the fifth heading of the instruction of July 25 to Shanghai) or in the form of so-called boat-taxes which are in fact transit taxes levied upon the value of the cargo.

Whether the Chinese Government has been convinced of the illegality of its action, or has appreciated the inexpediency of trying to force a perverted construction of the treaties, or has desired to conciliate the United States and Great Britain for political reasons, or has realized the futility of exactions that throttle the trade from which they are derived, or (as is most likely) has yielded to the opposition of the Chinese merchants whose trade was threatened by such exactions—whatever the reason, it appears that for the time the various obnoxious laws of this character are in abeyance and there is a lull in the effort to evade the exemptions stipulated in the treaties.

I cannot, however, feel that this respite is permanent, but anticipate that, as has so often happened before, there will eventually be a renewal of the mistaken policy of trying to shift the burden of taxation onto the foreigners by one or more of the familiar equivocations as to the meaning of the treaties. With a view to that proba-

bility, I beg to request an expression of the views of the Department on the several points discussed in the instruction of July 25 last to Shanghai, in order that the Legation may be in a position to instruct the various Consulates as to the attitude which they should adopt in the event of any of these questions arising in their districts. I reserve for future discussion, at a time when the issues involved may again become practical, certain recommendations as to a possible adjustment of the questions treated in the enclosed instruction to Shanghai, and of the related questions of Stamp Tax, Excise Tax, etc.

I have [etc.]

PAUL S. REINSCH.

[Inclosure.]

Chargé MacMurray to Consul General Sammons.

AMERICAN LEGATION,
C. No. 553.] *Peking, July 25, 1914.*

SIR: The Legation has received from your Consulate General the following despatches reporting upon questions of inland taxation [enumeration of despatches].

Of the questions involving matters of inland taxation which are presented for consideration by this series of despatches, it may be convenient to dispose first of the simple question of the increase in likin taxes leviable by the Chinese authorities. Subject always of course to the proviso that such charges must not be so levied as to discriminate against foreign goods in general or against the products of any particular nationality, or impair the value of the treaty arrangements for exemption certificates and transit passes, the Legation concurs with the view of the Consulate General that the determination of the amount of likin leviable upon goods properly subject thereto rests with the Chinese authorities, and that the foreign powers can therefore at the most point out the injury to trade resulting from too heavy a taxation of this sort.

There remain a number of questions, raised by the cases you report, affecting the rights of the Treaty Powers in respect to inland taxation. These questions may be conveniently analyzed under the following headings:

1. *The levy of likin within open ports, outside of the foreign settlements or concessions.*

In reply to the inquiry on this point contained in your No. 147, I have to inform you that the Legation has not abandoned the contention that the whole of any opened port, and not merely a restricted area of it, is open to foreign trade with all the privileges conferred by the treaties. It nevertheless appears to be the fact that in spite of this contention the Chinese Government has continuously acted upon the contrary view and has succeeded in collecting likin in the region beyond a restricted area in each of the open ports. Under these circumstances it would seem advisable, in any case which presents such a possibility, to rely upon some other principle than that which has been so long and so successfully maintained by the Chinese Government and is therefore unlikely to be conceded by it.

2. *The levying of likin by private organizations to which the authorities have farmed out the collection of such taxes.*

It seems doubtful whether this circumstance would in itself give cause for a valid and tenable protest, inasmuch as the treaties contain no restriction upon the power of the Chinese Government to delegate its authority in the matter of the collection of taxes. It would appear, however, that such a method of collecting likin taxes might constitute an important consideration tending to establish, in any particular case, the existence of an element of discrimination.

3. *The specific discrimination against certain products in the tariff of likin charges levied under the conditions above indicated.*

In the view of this Legation, the mere fact of specifying, in any tariff of charges, goods of any nationality, manufacture or brand would in itself constitute a discrimination—even though the actual charge should not exceed that

levied upon other like products—in that it would constitute the assertion of a right to impose special taxation at discretion upon the products of the particular nationality, manufacture or brand.

It may also be contended, though perhaps with somewhat less force, that a likin tax, where leviable at all, must be assessed upon a uniform ad valorem rate, or upon a specific commutation of such a rate; and that the levying of a higher proportionate assessment upon any particular trade would constitute a discrimination warranting a protest in behalf of the trade affected.

4. *The levy of likin upon goods being transported under cover of transit passes.*

It is not believed that the Chinese Government, in a case in which the facts were undisputed, would attempt to justify such absolute and flagrant violations of the treaty right to the protection of transit passes during the time the goods were actually in transit.

5. *The levy of consumption taxes (also called destination taxes, Loti Shui or Loti Chuan) on transit-pass goods upon the surrender of the transit pass at destination.*

In reply to the inquiry contained in your No. 147, I have to advise you that the Legation adheres to the view that goods covered by transit pass are properly subject to no further inland taxation, either in transit or after arrival at their destination, whether in foreign or Chinese hands. In this matter, however, as in the cases indicated in the first heading above, the contrary practice has long prevailed in spite of the contention of our Government. The British, moreover, upon whose Tientsin Treaty of 1858 the claim to the exemption of transit-pass goods from all inland charges whatsoever was originally based, have conceded the Chinese claim to a right of further taxation after the goods have completed the transit and have passed into Chinese hands. It is therefore to be feared that protests against the levy of consumption or destination taxes will in all probability continue to be futile.

6. *The imposition of a special consumption or destination tax (Loti Chuan) specifically upon foreign goods brought into the interior under transit pass, which tax is moreover calculated upon the basis of the T'ung Chuan, which is understood to be a single tax levied in commutation of the likin and consumption taxes payable upon goods brought into the interior without the protection of the transit pass.*

Quite apart from the general question of the legality of destination taxes or other inland charges upon goods covered by transit pass, the Loti Chuan Regulations put into force in Chekiang during October last and understood to have been extended to Anhwei and Kiangsu on the 1st instant, are particularly repugnant to the provisions of the treaties, in that—

a. They seek to establish a form of taxation which is not general in its application but is specifically imposed upon foreign goods covered by transit passes, thereby discriminating against such goods as have sought to avail themselves of the protection of the treaties; and that

b. Whereas the treaty arrangements for covering goods by transit passes were designed to relieve them from the incidence of transit taxes in any form, the levying upon them of a so-called destination tax—which is in fact calculated on the basis of the inland taxes that would otherwise have been chargeable upon them—is in effect to subject them to a portion, at least, of the very charges for complete exemption from which they have already paid the 2½ per cent ad valorem stipulated by the treaties.

Concretely, the result of the Chekiang Regulations is to impose, on goods availing themselves of treaty protection, 2½ per cent plus Loti Chuan equivalent to one-half of the T'ung Chuan, as against the T'ung Chuan which would otherwise have been levied on them. So there would be a higher rate upon treaty-protected goods in any case in which the T'ung Chuan should be calculated at less than 5 per cent. Furthermore, it appears that goods paying T'ung Chuan may be reshipped to another inland port without further charge, whereas goods under transit pass, and therefore paying Loti Chuan, must pay that tax a second time in the case of such reshipment. So that in such cases the goods presumed to be protected by treaty pay the equivalent of full T'ung Chuan in addition to the 2½ per cent already paid for the transit tax, making a net difference of 2½ per cent ad valorem to the disadvantage of the treaty-protected goods.

It is understood that in practice the amount of the T'ung Chuan is at present so adjusted as not actually to impose a heavier taxation upon transit-pass goods as delivered at their original destination in the interior. But even

in the absence of such concrete discrimination in cases of that sort, the Regulations are objectionable in that, by imposing a special tax upon transit-pass goods, as such, they destroy the safeguard against excessive internal taxation which the option of using a transit pass was designed to secure.

7. *The imposition of an increased likin tax specifically upon foreign goods arriving at an open port under exemption certificate, upon their reshipment into the interior.*

As in the cases indicated under the 4th heading above, it is believed that the Chinese Government would not undertake, in any case indisputably involving no complication with other more contentious questions, to defend so manifest a subversion of the rights granted by the treaties in respect to the shipment of imports to open ports under exemption certificates.

With reference to the action thus far taken by the Legation on the several instances of illegal inland taxation recently reported by you, it is to be noted that, with the exception of the Minhang Barrier case and the Nantao Bund case (the former involving the detention of the Standard Oil Company's cargoes under the conditions indicated in the 4th and 5th headings above, and the latter involving the seizure of one of its cargoes under the circumstances indicated in the 1st, 2d and 3d headings), none of these cases are so presented as to afford a basis or warrant for claim for indemnification; and it is the understanding of the Legation that they were brought to its attention not with that purpose but with the object of forming a basis of protest to the Central Government against the various abuses in the matter of inland taxation which have quite recently attained such disquieting proportions in the Provinces of Chekiang, Kiangsu and Anhwei.

Those abuses seem in fact to have become within the past month or so exceptionally flagrant and persistent. It seems clear, moreover, that they are countenanced if not in fact abetted by the Peking Government, as evidenced by the terms of the Chekiang Loti Chuan Regulations and by the Presidential Orders of June 29 and July 8 commending the Governor General of Chekiang for his administration of taxation in his Province. The Legation shares with the British and other Legations, and with other unofficial observers, the conviction that in these three provinces the Government is now making a studied and tenacious effort to determine the bare minimum to which it can pare down its treaty obligations in the matter of inland taxation. And so far as can be ascertained, the Chekiang Loti Chuan Regulations form the crux of this problem. The Legation, therefore, concurrently with the third protest made by the British Legation, on July 7 addressed to the Wai Chiao Pu a note (of which a copy is enclosed) asking for their cancellation. In order to profit by the effect of substantial identity with the views embodied in the British protests, the note urged against the Regulations only the general objections indicated in the 5th heading above; but the Legation is seeking a suitable occasion to urge upon the attention of the Minister for Foreign Affairs and the Minister of Finance the particular objections outlined under the 6th heading.

In conclusion, I take occasion to express appreciation of the manner in which this complicated set of cases has been dealt with and has been presented by the Consulate General and to assure you of the Legation's cooperation for the protection of the privileges to which we believe American citizens to be entitled as a matter of treaty right.

I am [etc.]

J. V. A. MacMurray.

File No. 893.512/36.

The Secretary of State to Minister Reinsch.

[Telegram.]

Department of State,
Washington, April 22, 1915.

Your July 20, and my July 21, 1914.

Does Legation believe it still advisable to withhold consent to stamp tax?

Bryan.

File No. 893.512/44.

Minister Reinsch to the Secretary of State.

[Telegram.]

AMERICAN LEGATION.
Peking, April 24, 1915.

Department's telegram April 22. I consider that the temporary withholding of consent to stamp tax would still be useful as a means of securing complete observance by China of our treaty rights in respect to inland taxation. See my despatch No. 588.

REINSCH.

File No. 893.512/45.

The Acting Secretary of State to Chargé MacMurray.

No. 294.] DEPARTMENT OF STATE,
Washington, June 22, 1915.

SIR: In acknowledging receipt of your No. 588 of March 22, 1915, relating to the imposition upon American goods of certain inland charges considered to be irreconcilible with treaty stipulations, the Department desires to express approval in general of the instruction sent by the Legation to the Consul General at Shanghai under date of July 25, 1914.

In doing this the Department is but adhering to the position which it has supported for many years past and which it believes should not for the present be abandoned.

The Department desires, however, to point out that the statement made on page 2 [under heading 1] of the Legation's instruction just mentioned, to the effect that "the whole of any opened port and not merely a restricted area of it is open to foreign trade", is a contention which the Department makes only with respect to ports opened by treaty and is not insisted upon in regard to ports opened by China of its own volition and with certain restrictions as to the area set aside for foreign residence and trade.

The Department, moreover, while still maintaining the view that goods covered by inland transit pass are properly subject to no further inland taxation either in transit or after arrival at their destination, whether in foreign or Chinese hands, would call attention to the observation made by Minister Calhoun in his despatch of July 2, 1912, to the effect that the phrase "all other inland charges whatsoever" can only mean charges on the goods *while in transit;* that the provisions of the treaties with respect to the inland transit tax was never intended to prevent the levy of local taxes upon foreign goods after they should have reached their destination; and that "a strict construction of the treaties seems to justify the Chinese in their contention that no such wholesale exemption of foreign goods from taxation (as is claimed by foreign merchants) was intended."

The Department in replying to Mr. Calhoun under date of September 3, 1912, No. 278, said:

While this Government would not be disposed to look with disfavor, in any subsequent discussion of this question, upon such an interpretation as that recommended by the Legation, yet it is believed that the determination of

this question might well await any conference of the representatives of the treaty powers at Peking that might assemble to discuss reforms and other questions arising out of the treaties or bearing on the general subject of reorganization in China.

The Department is in full sympathy with the desire of the Chinese Government to increase its revenues by legitimate forms of taxation and would not be indisposed to accept the Chinese view of the "destination tax" and other similar charges levied upon goods after their arrival at their destination, if some definite assurance could be had that the treaty provisions as to the commutation transit tax would not be evaded by a reimposition at the destination, under other names, of the likin, from the levy of which exemption had already been purchased. The Chekiang Loti Regulations, a copy of which you enclosed in your despatch under acknowledgment, show how such evasion of the treaty provisions is attempted when opportunity offers. The Department heartily approves of the protest made against these regulations, and while it may be true, as stated in the Legation's instruction to Shanghai, that our protests against consumption or destination taxes will continue to be futile, such protest, it appears, will continue to be necessary until a general conference of the Treaty Powers shall agree to some such plan as was proposed in the Commercial Treaty of 1903 between the United Stataes and China, whereby in return for the entire abolition of likin, an increase in the customs duties was to be allowed. When such revision of the commercial treaties is undertaken the Department hopes that due provision will be made at the same time to protect American goods against excessive local taxation.

I am [etc.]

JOHN E. OSBORNE.

File No. 893.512/52.

Chargé MacMurray to the Secretary of State.

[Extract.]

No. 683.] AMERICAN LEGATION,
Peking, July 9, 1915.

SIR: I have the honor to enclose herewith for the information of the Department a copy of a circular instruction which the Legation issued on June 8 last to the various Consular officers in China, communicating in reply to numerous inquiries the position taken in regard to the Chinese Stamp Tax Law in conformity with the Department's instruction No. 90 of May 4, 1914.[65]

There is also enclosed a copy of a despatch (No. 514) from the Consulate General at Shanghai under date of the 26th ultimo, making certain inquiries as to the effect of the view thus taken; also a copy of the Legation's reply of today's date, stating that the Legation construes the attitude of our Government in this matter as having only the negative effect of relieving its nationals from any obligation and from any correlated disability imposed by the Stamp Tax Law; it cannot be construed as in any way affecting

[65] For. Rel. 1914, p. 122.

the obligations and disabilities imposed by that law upon Chinese citizens—unless it were that our Government, refusing to recognize the payment of stamp tax as a condition to the legal validity of a contract entered into between a Chinese and an American citizen, might perhaps maintain the position that such a plea could not be effective as a defense to an action in a Chinese court by an American citizen or corporation seeking a remedy under such a contract. I respectfully request to be instructed whether this interpretation correctly sets forth the views of the Department. * * *

[Inclosure 1.]

No. 40.] AMERICAN LEGATION,
Peking, June 8, 1915.

CIRCULAR.

To the American Consular Officers in China.

GENTLEMEN: In view of the inquiries addressed to the Legation by several of the Consular Officers in China, as to the liability of American citizens for the payment of stamp taxes imposed by the Chinese Government under the Stamp Tax Law enacted in October, 1912, I enclose for your information a copy of the Diplomatic Circular No. 39 of February 19, 1914, to which is appended a translation of the collective note in which the Diplomatic Body advised the Wai Chiao Pu that it could not accept the proposed law as applicable to nationals of the Treaty Powers in China.

In accordance with the terms of this collective note, the Legation regards American citizens and corporations as not being liable to the payment of stamp taxes.

I am [etc.]

PAUL S. REINSCH.

[Subinclosure.]

Diplomatic Circular No. 39.

PEKING, *February 18, 1914.*

With reference to the Circular No. 19, the Dean has the honour to circulate herewith, for the signature of his Honourable Colleagues, copy of the draft collective note to the Wai Chiao Pu on the Stamp Tax Law, in the terms agreed upon at the meeting of February 17.

TRANSLATION.

PEKING (*February 28, 1914*).

MR. MINISTER: In conformity with the desire expressed by Your Excellency in a despatch of September 29 last, the Diplomatic Body has examined the question whether there would be ground to apply, to documents and contracts concluded in China between foreigners and Chinese, the law concerning the stamp tax of which a copy was annexed to the communication cited above.

The Chiefs of Mission are of the opinion that, before pronouncing upon the imposition on their nationals of a new tax not contemplated by the Treaties, they should refer the matter to their respective Governments; and they consequently find themselves obliged to protest against the statement—which can be the result only of misunderstanding—contained in the note from the Wai Chiao Pu, to the effect that they had given their adhesion to the above mentioned stamp tax law thus rendering it applicable to foreigners.

In transmitting these documents to their respective governments, they believe themselves forced to direct attention to certain questions raised by this communication, and to express the opinion that the new law could not in any case be rendered applicable to their nationals in its present form.

(Signed by Ministers and Chargés d'Affaires.)

[Inclosure 2.]

Consul General Sammons to Chargé MacMurray.

No. 514.] AMERICAN CONSULATE GENERAL,
Shanghai, June 26, 1915.

Subject: Chinese Stamp Tax.

SIR: With reference to the Legation's recent circular instruction on the Chinese Stamp Tax Law, to the effect that in the opinion of the Legation American citizens and corporations are not liable to the payment of such stamp taxes, the Standard Oil Company of New York writes me under date of June 23, 1915, requesting information as to the effect of the law on transactions between the Company and Chinese, submitting the following query:

1. Is a native bank order, drawn by a Chinese in the interior, payable to our order in a Treaty Port subject to stamp tax?
2. Is any agency agreement, construction contract, or other similar document, made out between this Company and a Chinese subject to stamp tax, and would stamps have to be affixed before taking such a document before a Chinese Court.

I have the honor to request the Legation's instructions on the subject.

I have [etc.]

THOMAS SAMMONS.

[Inclosure 3.]

Chargé MacMurray to Consul Gauss, in charge.

C. No. 1165.] AMERICAN LEGATION,
Peking, July 9, 1915.

SIR: The Legation has received the despatch (No. 514) of June 26th in which you present in behalf of the Standard Oil Company of New York two queries as to the effect of the refusal on the part of the American Government to recognize the Chinese Stamp Tax Law as applicable to its nationals. In reply, I have to state that inasmuch as the questions presented are hypothetical, the Legation can not undertake to give in advance any authoritative advice or indication of the views by which the action of the Government would be controlled in the event that a case actually involving these questions were to arise.

Although not undertaking, therefore, to express any opinion upon the specific points raised by these inquiries, I have to state, for the information and guidance of the Consulate General, that the Legation construes the attitude of our Government in this matter as having only the negative effect of relieving its nationals from any obligation and from any correlated disability imposed by the Stamp Tax Law; it cannot be construed as in any way affecting the obligations and disabilities imposed by that law upon Chinese citizens—unless it were that our Government, refusing to recognize the payment of stamp tax as a condition to the legal validity of a contract entered into between Chinese and an American citizen, might perhaps maintain the position that such a plea could not be effective as a defense to an action in a Chinese court by an American citizen or corporation seeking a remedy under such a contract.

I am [etc.]

J. V. A. MACMURRAY.

File No. 893.512/53.

Chargé MacMurray to the Secretary of State.

No. 686.] AMERICAN LEGATION,
Peking, July 12, 1915.

SIR: I have the honor to submit herewith for the consideration of the Department a copy of an instruction which the Legation is addressing under today's date to the Consulate General at Hankow, in reference to a so-called "99 Mercantile Tax" which the provincial authorities of Kiangsi have attempted to establish. This tax is fixed at 1 per cent on the current price of goods of all kinds enter-

ing the Province of Kiangsi, and is declared to be "for the purpose of adjusting the value of the cash notes and assisting the financial position of this province"; and it is further provided that "the tax will be withdrawn as soon as all the cash notes have been redeemed." Complaint against the proposed levy of this tax upon its products was made by the Kiukiang branch of the Standard Oil Company of New York, which, for the purpose of avoiding certain charges of the Maritime Customs for the bonding of warehouses, is accustomed to take its products into the interior of Kiangsi, not under the system of transit-passes provided by the treaties but under an arrangement for the payment to the Native Customs of a provincial tax known as "Pao Shang Piao," which, for the same half-duty charge as the transit pass, assures to the goods while in transit in the province the same general exemptions from local taxation as does the transit pass. The exact nature of this Pao Shang Piao is unknown, as the Consulate General has been unable to procure a copy of the Regulations; but what appears to be the point most essential in this connection is covered by the following quotation from a communication on the subject which the Governor of Kiangsi addressed to the Consulate General on January 12 last:

> The Pao Shang Piao was established in the twenty-ninth year of Kuang Hsu (1903–1904) and has been collected after the manner of the Maritime Customs tax. It is collected once for all by the Pao Shang Office, and the office issues a tax-receipt permitting that the goods be shipped to their destination (at the point of destination). When the goods and certificate are in accord, the certificate will be given to the office for cancellation. The goods will not be taxed a second time. * * * The goods which are covered by Pao Shang Piao and are imported into the interior through Hukow, shall not be interfered with, detained or further taxed by either the Hukow or other interior tax offices.

It was contended by the Standard Oil Company that the payment of this provincial tax, which is closely analogous to the transit-pass tax established by the treaties, should similarly entitle them to exemption from "all other inland charges whatsoever," as the treaties provide in favor of transit-pass goods. In accordance with this view the Consulate General refused to recognize the legality of the tax, and so advised the American company. The British Consul at Kiukiang, apparently on the same grounds, advised his nationals in the same sense.

Although concurring in the conclusion that the "99 Mercantile Tax" is illegal as imposed upon goods that have paid Pao Shang Piao, the Legation nevertheless considers that its illegality arises not from any violation of the treaty stipulations in regard to transit-pass exemptions, but from the fact that the effect of payment of the Pao Shang Piao, as stated by the Governor in the communication quoted above, should be to relieve the goods from the incidence of all other local levies while in transit in the Province of Kiangsi.

I beg to request an expression of the views of the Department on the several questions thus raised.

I have [etc.]

J. V. A. MacMurray.

93072°—FR 1915——15

[Inclosure.]

Chargé MacMurray to Consul General Cunningham.

No. 1168.] AMERICAN LEGATION,
Peking, July 12, 1915.

SIR: Referring to previous correspondence, and particularly to the Legation's instruction (No. 1083) of May 11 last, and your despatches of May 18 and June 7 (Nos. 39 and 49, respectively), on the subject of the "99 Mercantile Tax" which the provincial authorities of Kiangsi are attempting to levy upon imports into that province, I have to advise you that, in the opinion of the Legation, there appears to be ample ground for the Consulate General to contest the legality of this tax upon such goods as have paid "Pao Shang Piao"—a provincial tax the precise terms governing which remain unknown, but which the Governor of Kiangsi described to you in a communication of January 12 last (quoted in your despatch of May 18) as exempting from further taxation during transit in the province the goods upon which it had been paid. The Legation therefore approves your action in advising American firms to refuse payment of the "99 Mercantile Tax" under the circumstances indicated, and in so informing the Governor of Kiangsi.

In order, however, to avoid a possibility of misunderstanding as to the principle upon which this view is based, it should perhaps be emphasized that the levy of the "99 Mercantile Tax" under such circumstances appears to the Legation to be illegal not because contrary to the treaty obligations of the Chinese Government but because incompatible with the terms (as stated by the provincial Governor) upon which the provincial "Pao Shang Piao" is levied. Although apparently professing to assure to goods in transit within the province the same general exemptions which they would enjoy under transit pass, that provincial tax does not appear to be wholly assimilable to the half-duty charge which the treaties stipulate as optionably payable in order to relieve imports from "all further inland charges whatsoever"; and the payment of that tax cannot therefore entitle goods to the exemptions specified in favor of transit-pass goods, but only to such exemptions as accrue to the goods under the regulations governing the tax.

The "99 Mercantile Tax" would, on the other hand, no doubt be held to be contrary to the provisions of the treaties if it were levied upon goods in transit under transit pass or exemption certificate, or if it were imposed in violation of the most-favored-nation principle on imports from a particular country, or if it were to violate the national-treatment principle by being directed (even though without actual discrimination in the amount of the charge) specifically against foreign goods *as such* in contradistinction to native goods.

It would also seem (although on this point the Legation must reserve a decision) that the "99 Mercantile Tax" would not be illegal as applied (always assuming an absence of actual or potential discrimination as among foreign goods or against foreign goods in contradistinction to native) to imports sent into the interior without availing themselves of treaty exemptions under the system of transit passes or of exemption certificates.

I am [etc.]

J. V. A. MACMURRAY.

File No. 893.512/54.

Chargé MacMurray to the Secretary of State.

No. 687.] AMERICAN LEGATION,
Peking, July 16, 1915.

SIR: I have the honor to transmit herewith a translation of a note, under date of May 15 last, with which the Ministry of Finance, at the request of the Legation, communicated a copy of certain regulations under which it is proposed to levy destination taxes upon foreign goods imported into the Province of Kiangsu and particularly into the walled city of Nanking; also a copy of the note which the Legation yesterday addressed to the Wai Chiao Pu, protesting against the imposition of that tax.

I beg to request the instructions of the Department on the issues thus raised, more especially upon the contention that it is not competent to the Chinese Government to impose upon foreign goods, as such and in contradistinction to native goods, any taxes or dues other than the import duty and optional transit-pass dues expressly stipulated in the treaties, on the ground that such a differentiation would imply the right (as in fact it would afford the opportunity and the temptation) to discriminate against foreign imports.

Under the strict interpretation of the treaties upon which our Government has insisted, transit-pass goods should be held to be exempt from all other inland charges whatsoever, being thus entitled to conditions more favorable than those of "national treatment." Under the more liberal construction conceded by the British, which admits that such goods pass into the course of Chinese trade and become subject to "national treatment" upon the cancellation of their transit passes at destination, and therefore allows of the levy of such further taxes as may be indiscriminately imposed upon that trade, it has been found necessary to insist that all differentiation between foreign and native goods should thereupon cease.

In protesting against the proposed regulations, it has seemed to me advisable to adduce this further consideration, for two reasons:

First, it seemed opportune to point out the fallacy of the Chinese position in claiming the right to levy a destination tax upon transit-pass goods after the completion of their transit on the ground that they are then "on the same basis as all other goods," while at the same time taxing them under the terms of regulations expressly applicable to them as foreign goods. It is possible that a realization of the extent to which their general contention as to the legality of destination taxes is weakened by these regulations may be effective in inducing the Chinese Government to withdraw the regulations—as it could hardly be expected to do otherwise in view of the obduracy with which it has hitherto ignored the protests against the imposition of destination tax upon transit-pass goods and against treating Nanking City as "interior" rather than as an open port.

Second, in the event of such a general adjustment of questions of taxation as was suggested in the Legation's despatch No. 664 of June 11, 1915,[17] it is possible that our Government might consent to adopt the more liberal construction, in which the British Government has acquiesced, as to the effect of the treaties in entitling foreign goods only to "national treatment" after completing their transit to an open port under exemption certificates or to their destination in the interior under transit pass. In that case it would be well to have on record the contention that no regulation differentiating foreign from native goods and imposing upon them other (even if not more onerous) conditions, can be considered as compatible with the "national treatment" which our Government might be disposed to accept as applicable to imports from the United States.

I have [etc.]

J. V. A. MacMurray.

[17] Not printed.

[Inclosure 1.]

The Minister of Finance to Minister Reinsch.

PEKING, *May 15, 1915.*

SIR: I have the honor to acknowledge the receipt of your note regarding the receipt by the American merchants of Nanking of a notification that a destination tax would be levied on all foreign goods coming to Nanking, and asking for a copy of the regulations.

I would observe that miscellaneous foreign goods transported inland to be sold, when covered by a transit pass, are exempt from all taxation at any customs barrier en route from the treaty port to the place of destination. When they have reached their destination the transit pass is surrendered and cancelled. Thereupon the goods are on the same basis as all other goods and should be treated according to the regulations for the interior. This is the intention of the treaties. The regulations of the late Ch'ing Dynasty for the interior provide that after the pass has been cancelled the Chinese merchants who take delivery of the goods shall pay a destination (Loti) tax. When goods are not covered by a transit pass the shippers must pay the half-duty provided for in the transit-pass regulations at a customs station, whereupon they receive a pass in four sections; after which they are exempt from examination on the road. When the goods have arrived at their destination they must pay the destination tax. This has been the practice for over twenty years. This is a tax which is assessed on the Chinese merchants and has nothing to do with the foreign merchants, nor does it conflict in any way with treaty stipulations. I now have the honor to send you the Nanking Destination Tax Regulations, as requested, for your inspection.

With compliments [etc.] CHOU HSUEH-HSI.

[Inclosure 2.]

Chargé MacMurray to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Peking, July 15th, 1915.

EXCELLENCY: I have the honor to advise you that this Legation has received from the Minister of Finance a copy of the Regulations governing the destination tax which it is proposed to levy upon goods entering the City of Nanking. This was in reply to the request of the Minister, who desired to reassure himself that the proposed innovation would not affect the rights of American citizens under the existing treaties.

I regret to advise your excellency that an examination of these Regulations discloses several points which seem inconsistent with the view of the treaties held by the American Government.

In the first article of the Regulations it is provided that they shall be applicable in all parts of Kiangsu outside foreign concessions and the treaty ports. Inasmuch as the City of Nanking has been open to foreign trade under the terms of the French Treaty of 1858, it would seem that the Regulations would not in any case be applicable there.

As I need scarcely recall to your excellency, the American Government has never recognized the propriety of levying a destination tax upon goods which have paid the import duty and the transit-pass duty entitling them under the treaties to exemption from "all further inland charges whatsoever."

The levy of such a destination tax could be justified, if at all, only on the theory that transit-pass goods, having completed their transit under protection of the treaties, are thereupon merged into the trade of the country so as to be indistinguishable from native goods. It is not consistent with that theory that a destination tax should be made particularly applicable specifically to foreign goods.

Even apart from that consideration, however, I would particularly invite the attention of your excellency to the view that it is the purpose of the existing treaties to specify and provide for all duties and taxes leviable upon foreign imports as such; and that it is therefore illegal to single out foreign goods in order to subject them to further taxes other or higher than those levied upon native goods. Even if the taxes so imposed upon foreign goods could be shown to be no heavier than those imposed on native products, it is evident that the purpose of the treaties in this regard would be defeated if foreign goods, hav-

ing paid all the duties and taxes provided by treaty, were to be subject to further taxation levied upon them especially, as distinguished from native goods.

I avail [etc.]

J. V. A. MacMurray.

File No. 893.512/56.

Chargé MacMurray to the Secretary of State.

No. 710.] American Legation,
Peking, July 31, 1915.

Sir: Referring to the despatch No. 683 of July 9 in which the Legation reported the intention of the Diplomatic Body to protest against the Chinese Government permitting certain of its departments and public institutions to endeavor to compel the payment of the Stamp Tax by nationals of the Treaty Powers, I have the honor to enclose a copy of a Diplomatic Circular (No. 67) of the 7th instant, submitting the draft of the protest to be made on this subject by the Dean, which was sent on the 26th instant.

I have [etc.]

J. V. A. MacMurray.

[Inclosure.]

Diplomatic Circular No. 67.

Peking, *July 7, 1915.*

With reference to Circular No. 58 of June 19, the Dean has the honor to submit herewith for the approval of his Honorable Colleagues the draft of a Note to the Wai Chiao Pu reminding the Chinese Government that the Diplomatic Body cannot recognize the levy of the Stamp Tax on foreigners.

Draft Note from the Dean of the Diplomatic Body to the Ministry for Foreign Affairs.

Peking, *July —, 1915.*

Sir: On the 18th of September, 1913, the Wai Chiao Pu communicated to the Diplomatic Body the text of the Stamp Tax Law and requested that the Foreign Representatives should accept the same and instruct their respective nationals to comply with its provisions.

After due consideration the Diplomatic Body found that they were unable to comply with this request and this decision was duly communicated to Your Excellency on 28th February, 1914.

The Diplomatic Body have since been surprised to learn that in spite of this communication, several Chinese Government Departments and Public Institutions are endeavoring by various means to coerce foreigners to pay this tax.

The Foreign Representatives desire therefore, to remind the Chinese Government that they cannot agree to the levy of the stamp tax on foreigners and to request that instructions be issued to all Government Departments and Public Institutions to abstain from all attempts either direct or indirect to force foreigners to pay the tax.

File No. 893.512/53.

The Acting Secretary of State to Chargé MacMurray.

No. 324.] Department of State,
Washington, September 16, 1915.

Sir: The Department has received your despatch No. 686 of July 12, 1915, with its enclosures, in reference to a so-called "99 Mercantile Tax" which the provincial authorities of Kiangsi have attempted to establish. Assuming that the Governor of Kiangsi correctly de-

scribed the tax provisions on January 12 last, and assuming further that these have not since been changed, the levy of the above mentioned tax upon goods that have paid the Pao-shang-piao is, in the opinion of the Department, improper, and your instruction to the Consul General at Hankow under date of July 12 on this subject is therefore approved. While approving the Legation's instruction, the Department believes it would be well to obtain a copy of the Pao-shang-piao regulations, or a receipt showing the payment of such a tax, in order that the propriety of the Standard Oil Company's refusal to pay the "99 Mercantile Tax" may be determined.

I am [etc.]

FRANK L. POLK.

File No. 893.512/52.

The Acting Secretary of State to Chargé MacMurray.

No. 325.] DEPARTMENT OF STATE,
Washington, September 17, 1915.

SIR: The Department has received your despatch No. 683 of July 9, 1915, with its enclosures, relative to the Chinese Stamp Tax Law.

The Legation's understanding of the Department's attitude as to payment by Americans of stamp taxes, as stated in the despatch under acknowledgment, is correct.

I am [etc.]

FRANK L POLK.

File No. 893.512/54.

The Acting Secretary of State to Chargé MacMurray.

No. 327. DEPARTMENT OF STATE,
Washington, September 17, 1915.

SIR: The Department has received your despatch No. 687 of July 16, 1915, with its enclosures relative to the levy of destination taxes upon foreign goods.

You are hereby instructed that in the view of the Department the Chinese Government is not competent to impose upon foreign goods, as such and in contradistinction to native goods, any taxes or dues other than the import duty and commutation transit tax as provided in the treaties.

While objecting to any attempt to discriminate against foreign goods, the Department adheres to the position taken in its instruction of June 22 last; that is to say, it is in full sympathy with the desire of the Chinese Government to increase its revenues by legitimate forms of taxation so long as the taxation is levied alike upon native and foreign goods.

I am [etc.]

FRANK L. POLK.

File No. 893.512/62.

Minister Reinsch to the Secretary of State.

No. 807. AMERICAN LEGATION,
Peking, October 29, 1915.

SIR: Referring to the instruction No. 325 of September 17 last, in which the Department confirmed the correctness of the Legation's

understanding of the effect of the stamp taxes as stated in its despatch No. 683 of July 9 last, I have the honor to request direct instructions as to the Department's views upon the question suggested in that despatch: whether or not the payment of stamp tax is to be considered a condition precedent to the enforceability in a Chinese court of any contract entered into between a Chinese and an American citizen or firm; and whether or not, in consequence, it should be maintained that a plea of non-payment of the tax would be effective as a defense to an action in a Chinese court by an American plaintiff seeking a remedy under such an unstamped contract. I beg to refer in this connection to my despatch No. 149 of March 10, 1914.[66]

As the Legation has been asked to pass on this point, I have the honor to request telegraphic instructions.

I have [etc.]

PAUL S. REINSCH.

File No. 893.512/62.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 20, 1915.

Your 807, October 29. Department reiterates its views expressed in its No. 90, May 4, 1914,[67] predicating its consent to stamp tax upon assent by other foreign Governments, which apparently has been refused.

Inform interested Americans, however, they may think it best to view matter in practical light of probable decision Chinese courts respecting unstamped documents.

LANSING.

INFRINGEMENT OF AMERICAN TRADE-MARKS IN CHINA—VASELINE TRADE-MARK CASE: THE CHESEBROUGH MANUFACTURING CO. v. YUNG CH'I HSIANG ET AL.

File No. 893.54/311.

Consul General Sammons to Minister Reinsch.

[Extract.]

No. 374.] AMERICAN CONSULATE GENERAL,
Shanghai, February 2, 1915.

SIR: I have the honor to enclose herewith a copy of a self-explanatory letter, on the subject of infringement of trade-marks, from the Japanese Consul General at this port.

It would seem the part of practical business prudence for American manufacturers who produce goods that at present or in the future may find a market among Oriental peoples to examine the question of trade-mark registration in the Far East. In a number

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[66] For. Rel. 1914, p. 119.
[67] Id. 122.

of instances American goods that heretofore found a growing demand have been wholly or partially crowded out by imitations or as the result of the use of trade-marks or "chops" that are palpably infringements.

These imitations and infringements are not entirely confined to Japan or the Japanese. For instance, it appears that a number of years ago an action was brought against certain Chinese for selling a brand of condensed milk (Borden's) which was labeled with a trade-mark that was considered an infringement of the American original. In that case the German agents endeavored, through the German Consul General, to interfere on the ground that the trade-mark under which the Chinese were selling the goods had been registered in Germany, but so far as I can ascertain no authentic proof was presented and the native dealer was duly fined in the Mixed Court.

While in some instances other nationals have been concerned in imitations and infringements, the bulk of this kind of interference with legitimate trade comes from Japan and the Japanese.

Soon after I took over charge of this Consulate General, a number of trade-mark cases were brought up, and in some instances it was alleged that the spurious designs were registered in Japan. Ultimately the Japanese Consul General acquiesced in Mixed Court procedure which would be calculated to fine Chinese who were guilty of selling goods under trade-marks that were in infringement of American designs; *that is to say, where the American trade-mark in question was not duly registered in Tokyo, either by Japanese or Americans.*

More recently the Chesebrough Manufacturing Company, manufacturers of American vaseline, instituted action through its New York attorney and an agent here in Shanghai, who applied to an American law firm (Fleming and Davies), with the result that a quantity of vaseline imported into Shanghai from Japan and bearing trade-marks that apparently were intended to deceive the purchaser into the belief that they represented American goods were seized and brought into the Mixed Court.

When this matter was about to be brought up in the Mixed Court, the Japanese Consul General requested (a) that the Japanese assessor be allowed to sit with the American and Chinese officials and (b) that in any instance where Japanese goods, even where covered by a trade-mark that is an imitation of the American label *but where the certificate of registration had been granted* by the Tokyo authorities, no further Mixed Court action should be attempted, and that the complainants proceed to make application to the Japanese registration office. Finally the Japanese Consul General withdrew his request to have his assessor participate in the judgment and merely requested that he might be allowed to sit and observe the procedure. It is customary on the part of members of the Consular Body to admit the right of any assessor to sit and merely watch the Mixed Court procedure in any case where the Consul General makes the request and asserts an interest therein on the part of his nationals.

After a number of conferences with the Japanese Consul General, he agreed to write the letter, a copy of which I enclose, accord-

ing to which he was to have about two weeks to bring the questions involved before his higher authorities in Tokyo with a view, as he has agreed, *to having the trade-marks that are palpably an infringement of American rights canceled.*

In the meantime I have endeavored to expedite matters and provide a practical course of procedure for the future by seeking to arrange with the Japanese Consul General to proceed without delay in Mixed Court cases involving trade-mark infringements and to fine the Chinese retailers *provided no certificate of registry is forthcoming;* and if there is a certificate of registry to then refer the matter to the higher authorities at Tokyo or Washington to determine questions of canceling the imitation registration, priority of use, et cetera. The Japanese Consul General has agreed to this in principle, but I fear that when the plan is put into operation he will again object to summarily arraigning Chinese sellers of Japanese goods that bear trade-marks that are infringements of American rights.

The Japanese Consul General indicates the belief that it would be an unusual procedure to attempt to have the Mixed Courts here pass upon the rights of Japanese *who are selling goods under trade-marks registered by his Government in Toyko*, even though such trade-marks may, in fact, be infringements of prior American rights as registered at Washington (*but not at Tokyo*). The American lawyers concerned, however, have urged summary action and this I have been constrained to avoid in cases where the alleged infringement *is supported by a Japanese certificate of registration at Tokyo.* Assuming this attitude to be sound, I now seek, on behalf of American manufacturers, to show to the Chinese dealers to what extent the pirating of trade-marks has been carried and to fine them as quickly as possible in instances where the imitation has not been registered.

Coupled with the above outline of procedure and an understanding as to how prompt action may be obtained, I respectfully urge that American trade-marks be properly registered at Tokyo.

It is further assumed, generally, that a provisional registration of trade-marks, for China, with the commissioner of customs at Shanghai does not, for the time being at least, affect the status of duly registered trade-marks in Washington and in Tokyo. Also, in a legal sense, until evidence is produced to the contrary, it seems to be assumed that the Japanese Consul General is sustained in his declaration that he may bring Mixed Court action against Chinese for selling American goods under an original trade-mark which, although duly registered by Americans in Washington, has never been registered by Americans in Tokyo but which, or an imitation or infringement thereof, has been registered by Japanese at the latter capital. Moreover, until or unless the Japanese registration of the infringement or imitation is canceled, they claim the right to proceed to sell their goods in China on an equal basis with the original and genuine American product, regardless of priority of use, et cetera.

The Japanese Consul General has today requested further time—a week or more—in which to secure instructions from Tokyo before action is taken in the vaseline cases. I am granting this extension but, ultimately, I look forward to showing to the Chinese dealers, through Mixed Court procedure, that the Japanese certificates of

registration of trade-marks in cases of this kind palpably infringe our rights and that pending the placing of the matter before the higher authorities (at Tokyo or Washington) with a view to canceling the same, proceedings will be held in abeyance. Even though the registration is not canceled, I am hopeful that this plan of procedure will effectually do away with further immediate attempts, at least, to sell such goods in this market. In addition to the above procedure, I hope it may be possible to proceed at once to fine Chinese dealers who are selling goods under infringements or imitations of our trade-marks, even though the same may not be registered by our people at Tokyo. In the vaseline cases it appears that some imitations are not supported by Japanese certificates of registration. In these cases the Japanese Consul General wishes action held in abeyance pending instructions from the Tokyo Foreign Office regarding all the questions involved.

It is gratifying to note that in many instances American trade-marks are now being forwarded to this office in connection with provisional registration with the Chinese commissioner of customs here. While there are no regulations in force in China governing infringements of trade-marks, et cetera, by Chinese, it has been found that protection against infringement by Chinese can be obtained in many instances by representations to the local authorities by the American consular representative nearest the place or places where the violation was practiced. In these cases proclamations and administrative measures promulgated by the local authorities were the means of protection afforded.

However, as intimated in the body of this despatch, this provisional registration is not accepted as affording protection to American trade-marks when the same have been infringed by the Japanese and when such trade-marks have not been duly registered at Tokyo.

In case there should be any objection to the procedure now being followed here, and as herein outlined for the future, I respectfully request to be advised thereof without delay, by telegraph, if necessary.

I have [etc.]

THOMAS SAMMONS.

[Inclosure.]

The Japanese Consul General to Consul General Sammons.

JAPANESE CONSULATE GENERAL,
Shanghai, January 20, 1915.

SIR: With reference to the case against certain Chinese merchants relating to the marketing of the Japanese-made vaseline bearing the trade-mark properly registered at the American Patent Office by Messrs. Chesebrough & Co., on one hand, and also registered in Japan separately by Mr. Matsumoto on the other hand, I beg to state that although the case, as it is proposed, is apparently a case between the Chinese merchants and an American firm, the matter itself is a question relating to the protection of a trade-mark in China which trade-mark carries legitimately both the American and Japanese nature at the same time. Consequently I consider it more advisable for the benefit of our countries to weigh, examine and judge the case in the light of the treaty of 1908,[68] existing between our countries relating to the mutual pro-

[68] For. Rel. 1908, pp. 521–523.

tection of patents, trade-marks, etc., in China, which treaty, methinks, at least its spirit, aimed at to cover such a case as we are now confronted.

Moreover, if a judgment were once handed down by the Mixed Court over such a matter, it can not but have a serious bearing on the future trade of Japan as well as America with China, whatever the judgment may be. As I have, therefore, wired to the home authorities in order to be informed of their opinion on the matter, it is requested that you be kind enough to exercise your influence over the complainant not to let him take any action until after about two weeks from now when I expect word may come from the home Government.

In closing I beg to remind you also that in case Messrs. Chesebrough will push his case without first taking the proper procedure to cancel the registration of trade-mark in Japan of Mr. Matsumoto, it is feared that the latter may be compelled to take the same action in the Mixed Court against the Chinese who handle the American goods bearing the trade-mark now at issue, and great entanglement may consequently ensue from such an action which will prove detrimental equally to the interest of both parties.

I have [etc.]

A. ARIYOSHI.

File No. 893.54/310.

Minister Reinsch to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Peking, February 15, 1915—8 p. m.

Consulate General at Shanghai reports that the American owners of vaseline trade-mark have begun in the Mixed Court prosecutions against the Chinese vendors of a Japanese imitation bearing trade-marks which are registered in Japan but which infringe the American mark protected for use in China both by provisional registration and by proclamation of the local authorities prohibiting infringement and that the Japanese Government sustains contention of its Consul General that failing to obtain by appropriate action in Japan annulment of the Japanese registration American company is not entitled to proceed even in a Chinese court against Chinese who contrary to the laws of China are dealing in an infringement so protected. The Japanese Consul General has therefore not only protested against the prosecutions instituted in the mixed court but also threatens similar retaliatory prosecutions against the Chinese dealing in the American goods bearing the original trade-mark.

That contention if conceded would annul the only protection for industrial property rights that now exists in China and would subject to Japanese domestic law and jurisdiction the right of Japanese subjects to the use in China of any trade-mark which they might choose to register at home.

Unless otherwise instructed I propose to advise the Consulate General at Shanghai in the immediate future that at least in so far as concerns prosecutions by Americans against Chinese the rights of industrial property in China are determinable by local law as based upon priority of use and of registration and proclamation and that Japanese registration cannot interfere with the right of an American company to seek redress in a Chinese court for violations by Chinese citizens of its rights under Chinese law.

REINSCH.

File No. 893.54/312.

Consul General Sammons to Minister Reinsch.

[Extract.]

No. 392.] AMERICAN CONSULATE GENERAL,
Shanghai, February 17, 1915.

SIR: I have the honor to further supplement my despatch, No. 374 of the 2d instant by now appending a copy of a formal note of protest which I have received today from the Japanese Consul General:

JAPANESE CONSULATE GENERAL,
Shanghai, February 17, 1915.

SIR AND DEAR COLLEAGUE: With reference to the dispute concerning certain trade-marks claimed both by Messrs. Chesebrough & Co., of your nationality, and Mr. Takejiro Matsumoto, of ours, I have received an instruction from our Home Government which runs substantially as follows:

Although the present case is one which relates apparently to the American and Chinese, it is in fact nothing but a dispute between like trade-marks possessed by both our nationals. As the trade-mark of the above-named American is not registered in Japan, it is not a case coming within the terms of the treaty between Japan and the United States relating to the mutual protection of patents, trade-marks, etc. Moreover, by virtue of Art. V of the Suplementary Treaty of Commerce and Navigation of 1904 concluded between China and Japan, China takes upon herself an obligation to protect our registered trade-marks. It will consequently constitute a violation of the treaty if the Mixed Court prohibit the sale by Chinese of any merchandise by sole reason of bearing the trade-marks possessed by Matsumoto. You (the Japanese Consul General) are, therefore, instructed to protest and to endeavor to prevent the Mixed Court from holding an examination on the matter, which has of necessity a great bearing upon the trade-marks possessed by Matsumoto and registered legitimately at our Patent Office.

Under such instruction you will observe that I am duty bound to act accordingly. So if the case is at last brought before the Mixed Court, I have to lodge a protest against the hearing by the court, and should the court persist upon trying of the case, I shall ask the court to have our assessor sit.

I shall also be permitted to add that at the event of an adversary decision being rendered against Matsumoto, we shall be obliged, how deplorable as it may, to take a recourse to the same procedure as preferred by Messrs. Chesebrough & Co., against Chinese merchants dealing in the American goods bearing the trade-mark possessed by Matsumoto, which course unavoidably may entail a grave complication and loss to both parties, Japanese as well as American.

I have [etc.]

A. ARIYOSHI.

As heretofore indicated in my despatches on this subject, it is my intention, unless otherwise instructed, to recognize the duly authenticated certificates of registration of trade-marks, thus complying in a technical sense with the representations made by the Japanese Consul General. The plan of procedure to which I refer is more specifically outlined on page 4 of my despatch of the 2d instant, as follows:

In the meantime I have endeavored to expedite matters and provide a practical course of procedure for the future by seeking to arrange with the Japanese Consul General to proceed without delay in Mixed Court cases involving trade-mark infringements and to fine the Chinese retailers *provided no certificate of registry is forthcoming;* and if there is a certificate of registry to then refer the matter to the higher authorities at Tokyo or Washington to determine questions of canceling the imitation registration, priority of use, et cetera.

On behalf of our American interests here, it seems desirable to promptly bring matters of this nature before the eyes of the Chinese

concerned and to assist them in comprehending the extent to which our trade-marks are pirated and imitated. I have assumed that this end may be accomplished by suitable procedure in the Mixed Court and by promptly inflicting fines where there is no certificate of registration covering imitations of our trade-marks.

The moral effect of this procedure, coupled with having it understood, in cases where duly authenticated certificates of registration are presented, that the matter, in being referred to the higher authorities, is merely held in abeyance and that the case is not actually forthwith dismissed, will, I believe, prove of great importance. In a technical legal sense, I further assume that this particular feature of my plan of procedure may be deemed untenable, but for practical purposes I believe that it will be possible to secure due observance of such policy.

In conclusion, I may add that, as heretofore pointed out, the Japanese Consul General, having verbally agreed to my plan of procedure, his formal protest on behalf of his Government may be accepted as applying to the jurisdiction of the Mixed Court where trade-marks have been duly registered, under treaty stipulation or otherwise, at Tokyo or Washington, and where obviously the "higher authorities" must ultimately be appealed to in determining the merits of such registrations; that is to say, for an adjustment of trade-mark controversies involving improper and unwarranted registration of imitations, in a commercial sense, of designs possessing priority of use, et cetera.

As I have pointed out to the Japanese Consul General, we do not always know in advance who are responsible for marketing goods under trade-marks that are palpably imitations of American designs. This is particularly true as regards the Japanese imitations of American vaseline trade-marks. The Japanese packages, in most instances, give no satisfactory clue indicating who is responsible. But once the matter is brought into the Mixed Court, all parties concerned may be heard and offenders promptly fined where it appears they are not backed by their own Government's certificate of registration, et cetera.

Non-interference in the Mixed Court, or otherwise, is what actual offenders desire. I assume that various Japanese offenders, in particular, wish to avoid publicity regarding their trade-mark pirating procedure. My controlling thought is to make the facts public and to warn all Chinese traders. Next, delays must be avoided if we are to satisfactorily guard American trade interests. Hence the plan of procedure providing for reasonable promptness in bringing about the preliminary hearing in the Mixed Court.

In no instance have we indicated a policy ignoring duly registered Japanese trade-marks (even if the names are imitations) albeit that procedure has been proposed by interested lawyers.

I have [etc.]

THOMAS SAMMONS.

File No. 893.54/310.

The Secretary of State to Minister Reinsch.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 27, 1915—4 p. m.

Your February 15, 8 p. m. Department approves your attitude. Authorizes you to instruct Consul General at Shanghai accordingly.

BRYAN.

File No. 893.54/314.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 554.] AMERICAN LEGATION,
Peking, February 27, 1915.

SIR: Referring to the Legation's telegram of February 15, 8 p. m., I have the honor to enclose correspondence in reference to certain Japanese infringements of American trade-marks in the China market.

The more complicated situation presented by the Vaseline case involves a claim by the Japanese Consul General at Shanghai, apparently supported by his Government, to suspend—subject to a determination by the courts in Japan of the rival pretensions of American and Japanese claimants—any action instituted by the American owners of a trade-mark in a Chinese court for civil or penal redress against Chinese dealing in infringements of Japanese origin, even though the Japanese claimant makes no pretension of prior use of the mark in China, or of having obtained by registration or proclamation any Chinese sanction for his claim to the use of the mark in this country. I cannot but feel that this extraordinary attempt to extend into Chinese jurisdiction the effect of Japanese domestic regulations would be, if not to deprive Americans altogether of the trade-mark rights secured them by the Treaty of 1903,[69] at any rate to make enforcement of those rights subject in every case to the determination of a Japanese court.

These cases emphasize the advisability of American exporters to this market availing themselves of the practical expedient of registering their trade-marks in the Trade-Mark Office at Tokyo, in order not only to be able to assure themselves of the right of action against Japanese infringers in the consular courts of Japan in China, as provided by the Treaty of 1908 between the United States and Japan,[68] but also in order to obviate the possibility of having their treaty rights to Chinese protection against persons and firms under Chinese jurisdiction complicated and called into question. It is respectfully suggested that the necessity of safeguarding their interests by registration in the Tokyo Trade-mark Office should again be called to the attention of American exporters, either through the

[68] For. Rel. 1908, pp. 521–523.
[69] For. Rel. 1903, p. 96.

Daily Trade and Consular Reports, or through the confidential circulars of the Department of Commerce.

I have [etc.]

PAUL S. REINSCH.

[Inclosure 1—Telegram—Paraphrase.]

Consul General Sammons to Minister Reinsch.

AMERICAN CONSULATE GENERAL,
Shanghai, February 13, 1915.

The American Vaseline trade-mark was registered in August, 1908, and again in July, 1913; a proclamation in its favor was issued in August, 1913; unable as yet to ascertain whether the Japanese mark has been registered for use in China.

The Japanse Consul General has now been instructed to protest against action in the Mixed Court in cases in which the mark or imitation is registered in Japan, holding that previous registration in China does not apply unless perhaps later for the purpose of determining priority.

[Inclosure 2—Telegram—Paraphrase.]

Minister Reinsch to Consul General Sammons.

AMERICAN LEGATION,
Peking, February 18, 1915.

In further reference to Shanghai's despatch No. 374 of the 2d instant, Mr. Reinsch advises Mr. Sammons that, in his view, the rights of trade-mark protection in China, in so far as concern prosecutions by Americans against Chinese, are determinable by the local law as depending upon priority of use, registration and proclamation; he therefore considers that a registration in Japan for use there would confer upon a Japanese infringement no locus standi in the case of an American owner of a trade-mark seeking in a court of Chinese jurisdiction for redress against violations of his rights under Chinese law by Chinese subjects.

[Inclosure 3—Extract.]

Minister Reinsch to Consul General Sammons.

No. 971.] AMERICAN LEGATION,
Shanghai, February 26, 1915.

SIR: I take occasion to supplement herewith the telegraphic instructions which I addressed to you on February 18 in reply to your despatch No. 374 of the 2d instant.

In order to clear up certain misconceptions by which the issues in this case appear to have been confused, I would point out that it is the general principle of the American and other Western systems of law that a trade-mark is a property right growing out of the use of a particular distinguishing device adopted for the purpose of trade, and accruing to the user of such an identifying mark independently of any formal act such as registration—such formalities being recognized not as creating new rights but only as attesting and furnishing evidence (of a presumptive force determined by the laws under which the formalities are established) of the existence of a proprietary right in the device. It is believed that the concept of a property right originating in the mere fact of the adoption and use of an identifying device in trade is common not only to the legal systems of the West but also to that of China.

In the nature of the case, however, the protection and enforcement of the rights as recognized give rise to many questions in actual practice, in view of the difficulty of establishing by evidence in each case the duration and extent of use, and the nonexistence of a similar use by other traders. To minimize the practical difficulties thus presented, the system of registration of trade-

marks has been adopted in most countries, in order to obviate the difficulties of proving industrial property rights, by establishing registration as a more readily available form of evidence in such cases. As indicated above, the degree of presumptive force attaching to registration varies in the several existing systems of registration; in some, notably the Japanese, so much weight is attached to the fact of registration as to give it almost the effect of a presumption of law; but it is understood that even in the Japanese system the principle of proprietary right growing out of priority of use is recognized to the extent of providing means for the cancellation of registrations which infringe upon trade-marks already in use by other traders.

So much general discussion of the subject has seemed necessary in order to dispel the apparent misconception that registration in Japan or elsewhere creates ipso facto a right in any mark for trade in China. In the view of the Legation, the question of the ownership of any trade-mark in China is one of fact as to priority of use and adoption for the trade in China; the essential facts in such cases are determinable in accordance with the legal system and institutions applicable by the jurisdiction to which appeal must be made in order to establish and protect those rights in this country. It is in this connection necessary to envisage the possibility of infringements of American trade-marks by those subject to the jurisdiction of the United States, to that of China, and to that of countries (other than the United States) enjoying extra-territorial jurisdiction here.

With reference to the law applicable in cases of infringement by other Americans, the question is one in regard to which comment by the Legation would be superfluous inasmuch as the matter is not of diplomatic but of judicial competence.

So far as concerns protection or redress against persons or firms subject to the jurisdiction of China, I would reiterate the belief that the legal concepts of the Chinese recognize the principle of a property right accruing from the use of trade-marks or chops. As a matter of practical administration, however, it has been found desirable to establish by Article IX of the Commercial Treaty of 1903 an administrative procedure by which the owners of American trade-marks may entitle themselves to protection by the Chinese Government against infringing, imitating, or knowingly passing off imitations of their trade-marks. This treaty stipulation imposes upon the Chinese Government, subject to the formalities of registration and proclamation, the obligation to protect within its territories and against its nationals the following three categories of American trade-marks:

1. Those to the exclusive use of which in the United States the American owners are entitled;
2. Those which they have adopted and used within the territories of China; and
3. Those which they intend to adopt and use exclusively within the territories of China as soon as registered.

It would appear that the owners of the Vaseline trade-mark (which belongs alike to the first and to the second of the above categories) have fully entitled themselves to the protection of this trade-mark by the Chinese Government under the terms of the treaty, having registered the trade-mark and obtained for it the proclamation of the appropriate authorities. It may incidentally be noted that—at any rate in a case involving no contest as to the relative value of registrations as between two or more claimants of a trade-mark—the so-called "provisional registration" of a trade-mark with the Customs at Shanghai must be considered as fulfilling the condition precedent to Chinese protection, stipulated in that regard by the Treaty of 1903. For although the Chinese Government has not yet established offices for the granting of registration "after due investigation by the Chinese authorities and in compliance with reasonable regulations" (as contemplated by our treaty), or "in accordance with the provisions of the regulations to be hereafter framed by the Chinese Government for the purpose of protecting trade-marks" (as contemplated by the Sino-Japanese Treaty of 1903), it has nevertheless established an office for provisional registration under the control of the Maritime Customs at Shanghai, in pursuance of Article VII of the Sino-British Treaty of 1902; and inasmuch as the system of provisional registration thus established affords to American traders the only means hitherto available to them to comply with the treaty requirement of registration with the appropriate Chinese authorities, it seems preposterous to suppose that it is open to the Chinese (or

to others for them) to plead that registration under that system does not suffice to fulfil the requirement upon which the obligation of protection by the Chinese Government is conditioned. Under such circumstances the Legation considers that the duty of the Chinese authorities to protect the Vaseline trade-mark as against their own nationals is a matter of treaty obligation by China to the United States; and it fails to understand on what ground a third party can claim to intervene against the enforcement of that obligation.

In this connection the Japanese Consul General at Shanghai, in his letter addressed to you on the 17th instant, quoted in your No. 392 of February 17th, takes the position that it would constitute a violation of Article V of the Sino-Japanese Treaty of 1904 (doubtless that of 1903 is intended) if the Mixed Court were to "prohibit the sale by Chinese of any merchandise by sole reason of bearing the trade-marks possessed by Matsumoto"; and from the context it appears that the clause "possessed by Matsumoto" is to be interpreted as meaning registered in Japan by Matsumoto.

The treaty provision upon which your Japanese colleague relies would appear to be that contained in the first paragraph of Article V of the Sino-Japanese Treaty of 1903, reading as follows:

> The Chinese Government agree to make and faithfully enforce such regulations as are necessary for preventing Chinese subjects from infringing registered trade-marks held by Japanese subjects.

But this provision would sustain his contention only if it were assumed that the phrase *registered trade-marks held by Japanese subjects* refers to registration in Japan rather than in China. That such is not the true meaning of the provision, however, is to be inferred from the terms of mutuality in which the fourth paragraph of the same article provides for the protection by the Japanese Government of trade-marks "properly registered according to the provisions of the laws and regulations of Japan." But even if the terms of the Japanese treaty did not so manifestly contemplate registration in China as a condition precedent to the protection of Japanese (as of American) trade-marks, I should find it impossible to reconcile myself to the assumption that registration in Japan—a unilateral domestic act involving no consent or even cognizance on the part of either Chinese or Americans—could have the effect of nullifying rights accruing to Americans in China and protected by treaty between China and the United States, or could make the right to protection in such cases subject to determination by judicial procedure in Japan. Although other elements of the problem would have to be taken into consideration if the case presented a rivalry of registrations by Americans and by Japanese in China, it seems clear that the actual facts of the case involving the infringement of the Vaseline trade-mark allow no room for the supposition that by reason of a registration in their home trade-mark office the Japanese claimants are entitled to oppose the proceedings which the Chinese Government is obligated by treaty to take against such persons under its jurisdiction as violate the rights of the American owners of the trade-mark.

Such cases as this, involving prosecutions against Chinese infringing or dealing in infringements, are to be carefully distinguished from cases involving such action by persons subject to the jurisdiction of nations (other than the United States) possessing extraterritorial jurisdiction in China. In cases of the latter sort, in view of the fact that each extraterritorial court applies to its own nationals a system of law based upon its domestic law, the United States has, by exchanges of notes with various powers and by a treaty with Japan concluded May 19, 1908,[68] agreed to accept registration, in the appropriate office of the nation whose jurisdiction is appealed to, as determining the right to sue for infringements in that nation's extraterritorial courts. That rule is one of convenience rather than of principle, designed to furnish the reasonably convenient procedure by which American owners of trade-marks may, for example, protect themselves against infringements by Japanese of their rights in China; the application of that rule is to be confined strictly to the cases for which it is provided, and cannot be construed as establishing, vis-à-vis Japan or any other nation with which we have a similar agreement, that we accept the principle that an absolute property right is created by the mere fact of registration in the appropriate office of the other nation.

The fundamental error in the position taken by the Japanese Government in the present case seems to lie in the assumption that registration of trade-marks

[68] For. Rel. 1908, pp. 521–523.

in Japan does not merely constitute a basis for judicial procedure in Japanese domestic or extraterritorial courts, but creates in favor of its nationals an abstract and absolute property right enforceable even under Chinese jurisdiction without regard to the requirements of Chinese law. The Legation considers that if this contention were conceded it would render potentially subject to Japanese law and jurisdiction the claim of Japanese subjects to use in China any American trade-mark which they might find it expedient to adopt by registration at home, and would effectually annul the only protection for American industrial property rights which now exists in China.

The Legation is therefore instructing you to refuse to concede the right of your Japanese colleague to oppose any obstacle to the prosecution in the Mixed Court of the Chinese dealing in infringements of a trade-mark to the protection of which the American company is entitled by the Commercial Treaty of 1903. You should accordingly withdraw any objections which you have made to the Chesebrough Company's prosecuting this case against the Chinese dealers.

In forwarding to the Department a copy of the present instruction, the Legation is endorsing your recommendation that an effort be made to bring to the attention of American exporters to this market the practical necessity of registering their trade-marks in Japan as a safeguard against infringements originating there.

I am [etc.]

PAUL S. REINSCH.

File No. 893.54/314.

The Acting Secretary of State to Minister Reinsch.

[Extract.]

No. 273.] DEPARTMENT OF STATE,
Washington, April 30, 1915.

SIR: The Department has received your despatch No. 554, dated February 27, 1915, with enclosures thereto, in regard to Japanese imitations of American trade-marks in China, and in accordance with your suggestion therein is again calling to the attention of the Secretary of Commerce the advisability of informing American exporters of the expediency of registering their trade-marks in the Trade-mark Office at Tokyo.

Copies of your despatches on this subject are also being sent to the Secretary of the Interior for the information of the Commissioner of Patents.

I am [etc.]

ROBERT LANSING.

File No. 893.54/322.

Chargé MacMurray to the Secretary of State.

[Extract.]

No. 695.] AMERICAN LEGATION,
Peking, July 20, 1915.

SIR: Referring to despatch No. 554 of February 27 last, in which the Legation reported concerning infringements of certain American trade-marks (particularly the Chesebrough Company's Vaseline trade-mark), I have the honor to enclose for the information of the Department further correspondence in reference to the Vaseline case.

From Shanghai's despatch of March 27, No. 427, of which a copy was stated to have been forwarded direct to the Department,[17] the

[17] Not printed.

Legation understood that on the hearing of the case against Yung Chi Hsiang and others the Chinese magistrate of the Mixed Court had concurred in fact in the opinion of the American assessor, but that he was unwilling to join in a judgment of conviction without reference to the higher authorities, in view of the representations which the Japanese Consulate General had made to the Chinese local authorities as well as to our Consulate General. On April 14 last, having been advised by the Consulate General that the special envoy or commissioner of foreign affairs at Shanghai, Mr. Yang Cheng, had directed the magistrate to dismiss the prosecution, the Minister and I called at the Foreign Office and explained to the Minister for Foreign Affairs and his secretary, Dr. Hawkling Yen, the facts of the case and the view that such action as was contemplated would not only be detrimental to the rights of the American firm in interest, but would also establish a precedent under which the rights and duties even of Chinese subjects in respect to the use of trade-marks in China would be subjected to the test not of Chinese law alone but also of the law of any country whose nationals might register in their home trade-mark offices the marks already registered in China and entitled to Chinese protection. The Minister for Foreign Affairs seemed fully appreciative of the fact that the result of such action would be to oust China from a certain measure of its jurisdiction over its own nationals, and he promised to consult with the other interested Ministries with a view to the issuance of instructions to the Shanghai authorities to remove any obstacle to the rendering of a decision by the Mixed Court. Mr. Lou has subsequently informed me that such instructions were in fact issued, in spite of the fact that the Japanese Legation has made formal written protest against the rendering of a decision in the case by the Mixed Court. There appears, however, to have been some misunderstanding by the Chinese authorities at Shanghai, either as to their instructions or as to the wishes of our Consulate General; for as late as June 24, in reply to an inquiry as to the cause of the delay in the decision, Dr. Yen informed me that the commissioner at Shanghai had reported that the case was held in abeyance at the wish of the Consulate General, which was awaiting further instructions from the Legation.

When at last the case was set for decision, on the 17th instant, it appeared that during the period of delay the Mixed Court magistrate had been dissuaded from the opinion which he had theretofore shared with the American assessors, and declared himself in favor of dismissing the case on the ground that the fact of infringement must first be established in a Japanese court. As soon as possible after receiving the report to that effect in the Consulate General's telegram of July 17, 4 p. m., I wrote Dr. Yen a personal note informing him of this development in the case, and requested him to bring the matter to the attention of Mr. Lou. Considering the views which the Minister for Foreign Affairs has expressed on this subject, I am in hopes that he will at once take steps to counteract the interference of the Japanese authorities which stands in the way of a judgment on the merits of the case. Should no such action be taken, I propose, on receiving from the Consulate General at Shanghai a further report as to the attitude of the magistrate and of the

commissioner for Foreign Affairs, to enter a formal protest against the action of a court of Chinese jurisdiction in denying to an American firm the remedies to which they are entitled under Chinese laws for the protection of their treaty rights in the use of their trade-mark in China.

I have [etc.]

J. V. A. MACMURRAY.

[Inclosure.]

Minister Reinsch to the Minister for Foreign Affairs.

No. 303.] AMERICAN LEGATION,
Peking, April 17, 1915.

EXCELLENCY: Referring to the conversation of Wednesday last in which I laid before your excellency certain considerations in regard to the prosecution in the Mixed Court at Shanghai of a certain Chinese dealing in a product bearing an infringement of the vaseline trade-mark which is the property of an American company, I have the honor to enclose herewith for your consideration a memorandum setting forth the essential facts in the case.

I avail [etc.]

PAUL REINSCH.

[Subinclosure.]

MEMORANDUM.

The trade-mark Vaseline, the property of the Chesebrough Manufacturing Company, an American corporation, was registered for use in China at the registration office maintained by the Maritime Customs at Shanghai, in August of 1908; it was again similarly registered in July 1913, and in the following month a proclamation for its protection was duly issued by the proper Chinese authorities as contemplated by Article 9 of the Sino-American Commercial Treaty of 1903.

The American company was thus entitled under the treaty to the protection of the Vaseline trade-mark against all persons under Chinese jurisdiction and was particularly entitled to seek in the Chinese courts proper civil or penal redress for any infringements of its property right in that trade-mark by persons under Chinese jurisdiction, whether by original imitations of that trade-mark, or by dealing in such imitations wherever originating. In the absence of any evidence that the registration by the American company was invalid because of fraud, there thus accrued to the Chesebrough Company an absolute right to protection arising out of the obligations of the Chinese Government and indefeasible by the action of third parties whether of American, Chinese or other nationality.

In February of the present year the Chesebrough Company brought to the attention of the American Consulate General in Shanghai the fact that certain imitations of its products, of Japanese manufacture, were being sold in China under its trade-mark by certain native firms; and it indicated its intention of prosecuting in the Mixed Court the Chinese dealers guilty of infringing its trade-mark by the sale of imitations in violation of Chinese law. It is understood that objection was made by the Japanese Consulate General at Shanghai to the prosecution in the Chinese court of cases involving an industrial property right which might prove to have become associated with the Japanese products in question by virtue of the registration of the Vaseline trade-mark by the Japanese manufacturers in the registration offices at Tokyo. Under instructions from the Government of the United States, however, the Legation advised the American company, through the Consulate General at Shanghai, that it considered the Mixed Court competent to try persons under Chinese jurisdiction for offenses against Chinese law, and that it could perceive no ground on which third parties could deprive American citizens of their recourse to Chinese judicial agencies for the purpose of vindicating the rights accruing to them from the obligations undertaken by the Chinese Government under the treaty with the United States.

The Chesebrough Company accordingly instituted criminal action in the Mixed Court against Kuang Sung Chiang, demanding that the accused be fined, that their stock of the infringing product be confiscated, and that they be permanently enjoined from dealing in such products falsely bearing the Vaseline trade-mark. The case came to trial about the middle of March but the decision has hitherto been reserved.

The Legation is now informed by the American Consul General at Shanghai that the special commissioner for foreign affairs at that port has received instructions to dismiss this case.

On the 14th instant the American Minister laid before his excellency the Minister for Foreign Affairs the view that the dismissal of this case would not only deprive the American owners of the trade-mark of the rights granted them by Chinese law in pursuance of the Treaty of 1903, but would also establish a precedent under which the rights and duties even of Chinese subjects in respect to the use of trade-marks in China would be subjected to the test not of Chinese law alone but of the law of any country whose nationals might register in their home trade-mark offices the marks already registered in China and entitled to Chinese protection.

The American Legation accordingly hopes that the Chinese Government will see its way to withdraw any obstacle which may have been interposed to the vindication of the Chesebrough Manufacturing Company's rights in a court of Chinese jurisdiction.

[Inclosure 2.]

Chargé MacMurray to Consul General Sammons.

No. 1128.] AMERICAN LEGATION,
Peking, June 16, 1915.

SIR: The Legation has received the despatch No. 503 of the 9th instant, in which you transmit for its information a memorandum by the assessor dealing with the conclusions arrived at by the Mixed Court in the case of Connell Brothers against Hsu Ho Ching, in the matter of infringement of the Eagle Brand trade-mark. If this memorandum is correctly understood, its purport is that the Mixed Court handed down no decision in the case but confined itself to a recommendation that the principle at issue should be referred to the respective representatives in Peking of the interested parties—American, German and Chinese.

Should this understanding of the action taken by the Mixed Court prove correct, the Legation fears that it may have established a precedent exceedingly dangerous to the trade-mark rights of Americans in China. From the instructions that have been sent you in reference to the Vaseline cases, to which the present case should be assimilated, as indicated in the Legation's telegraphic despatch of June 4, 2 p. m., it is to be inferred that it is the view of our Government that the judicial protection of American trade-marks in China against the infringement or dealing in infringements by Chinese vendors is an absolute treaty obligation undertaken by the Chinese Government, which cannot be suffered to be questioned or made subject to the veto of the Chinese executive authorities, and in which the consular or diplomatic representatives of a third power can have no locus standi by reason of the fact that the infringements originated in their country. In that view of the case, "the representatives in Peking of the interested parties," have no competence whatsoever to intervene in the judicial proceedings; and the inclusion in that category of the representatives of German interests begs the question that the nationals of a third country can obtain, by registration of an American trade-mark in their home registration offices, a right to intervene and to obstruct the Chinese Government's fulfillment of its treaty obligations to the American Government.

The Legation has accordingly telegraphed you that the case should be treated as a judicial matter not subject to review by any executive authorities—particularly by the representatives of German interests—and that the Consulate General should therefore use all proper endeavors to bring about the decision of the case by the Mixed Court.

I am [etc.]

J. V. A. MACMURRAY.

[Inclosure 3—Extract.]

Consul Gauss, in charge, to Chargé MacMurray.

AMERICAN CONSULATE GENERAL,
Shanghai, July 12, 1915.

SIR: I have the honor to acknowledge the receipt of the Legation's telegram of July 10, 5 p. m.,[17] concerning the case in the Mixed Court at Shanghai involving the infringement of the Vaseline trade-mark of the Chesebrough Manufacturing Company.

Mr. Bishop now informs me that he has been able to have the case set down for Saturday, July 17, for final judgment. This is the first opportunity for the hearing of the case under the congested calendar of the Mixed Court. Mr. Bishop has discussed the case at some length with the magistrate and informs me that he believes that a satisfactory judgment can be had.

I have [etc.]

C. E. GAUSS.

File No. 893.54/324.

Chargé MacMurray to the Secretary of State.

[Extract.]

No. 748.] AMERICAN LEGATION,
Peking, September 7, 1915.

SIR: In continuation of despatch No. 695 of July 20 last, with which the Legation forwarded for the information of the Department certain correspondence in regard to the infringement of the Vaseline trade-mark, I now have the honor to enclose copies of further correspondence on this subject.

I regret that, by reason of the necessity of despatching the pouch in time to catch the S. S. *Manchuria*, I must forward this correspondence without awaiting the fuller report on the case which is being sent by Consul Gauss. I must therefore confine myself at this time to such comment as is necessary to explain the recent developments of the case, reserving for the future such conclusions and recommendations as I anticipate it will be necessary to bring to the attention of the Department.

In the phase of the case which was reported in my No. 695 of July 20, the efforts of Mr. Gauss were primarily directed towards disabusing the minds of the special commissioner for foreign affairs, and the magistrate of the Mixed Court of an impression which they seemed to have derived during the period before Mr. Gauss assumed charge of the Consulate General in early July, that the matter was one on which the American Government had no decided views and to which it attached no importance. The efforts of the Legation were similarly directed towards impressing upon the Foreign Office a realization of the fundamental importance and significance of the case, alike from the viewpoint of American trade-mark rights under the treaties and from that of the Chinese Government as involving a new encroachment upon its sovereignty. As indicated in my previous despatch, the Minister of Foreign Affairs received these representations with apparently complete and sympathetic appreciation of the issues involved, and repeatedly gave satisfactory assurances in reply to my various requests that the Shanghai authorities be in-

[17] Not printed.

structed in the sense of the views which he apparently shared with the Legation. In making these requests, I endeavored to make it plain that the Legation assumed no right to influence the decision of the Mixed Court on the merits of the case, but desired and insisted solely that no other outside influence should be permitted to cause the court to renounce its obligation to give justice to the American complainants as against persons under its jurisdiction violating Chinese law as established in accordance with our treaty rights. These representations were apparently so successful that on August 11 Dr. Hawkling L. Yen, his secretary, took occasion to inform me that on the previous day the Minister for Foreign Affairs had telegraphed through the special commissioner for foreign affairs at Shanghai the specific and categorical instruction that the Mixed Court should exercise full jurisdiction in the case. It was therefore not surprising, though very gratifying, to receive from the Consulate General at Shanghai the telegram of August 19 reporting that the Mixed Court had given judgment in favor of the American owners of the trade-mark, sustaining the principle of priority as against the Japanese contention that the rights of the American owners in China had been annulled by the action of Japanese manufacturers in registering the mark as their own in Tokyo.

It was, on the other hand, a matter of the keenest disappointment and chagrin to receive the telegram of August 23 in which the Consulate General reported that, after the departure of the American assessor on leave, it had been discovered that the Chinese version of the judgment was radically different, and even contradictory to the English judgment as reported to the Consulate General by the assessor. I took prompt occasion to see the Minister for Foreign Affairs and sought to impress upon him the incompatibility of this Chinese judgment with the instructions which he had sent to Shanghai.

The report from Consul Gauss, under date of August 25, was received on the 28th ultimo. I at once brought the substance of this report to the attention of Dr. Yen, orally, and asked for an appointment to discuss it with the Minister. In the meanwhile, I addressed to the Foreign Office a note under date of the 30th ultimo, upholding the position taken by the Consulate General; namely, that the English text of the judgment, as discussed between the American assessor and the magistrate, and agreed upon between them, and read and recorded by the assessor, should be considered and executed as the authoritative text.

It proved impossible to arrange an appointment with Mr. Lou until the 31st ultimo; he outlined to me a "full report" that he had received from Magistrate Kuan, which made no mention at all of the English judgment, but reported that the judgment as drafted and read and entered by him in Chinese was fully concurred in by the American and Japanese assessors. I reminded Mr. Lou that the Japanese assessor was not sitting in the case and had no locus standi in reference to it; and in regard to the concurrence of our assessor, I pointed out that the magistrate's statement on that point was flatly negatived by the directly contradictory judgment which Mr. Bishop had read and entered on the English charge sheet. The Minister then talked of the unfortunateness of the misunderstanding that had arisen, and said that it would require a great deal of investigation

to clear up; and he said he would ask the magistrate to report concerning the English judgment to which he had omitted to make reference in his despatch, and offered to communicate with me further when that supplementary report should have been received. I remarked that the immediate question was whether or not Americans could obtain from a Chinese court the enforcement of their rights under the treaties. Mr. Lou asked what could be done; and I repeated the suggestion contained in my note of the previous day, that the English judgment should be regarded as authoritative, and so executed, the magistrate meanwhile amending his unsigned Chinese version so as to bring it into accord with the English judgment that had in fact been agreed upon. I went on to say that after all it was not for our Government to devise a way out of the difficulty, but simply to hold the Chinese Government to full compliance with our treaty rights by whatever means might be available under the Chinese system; and, in conclusion, I remarked that it was essential to know whether we could count upon Chinese sovereignty to enforce our rights, or whether that sovereignty was disposed to renounce in favor of a foreign government the fulfilment of its obligations towards the United States. I could obtain from the Minister for Foreign Affairs, however, no more definite statement than that he would look into the matter diligently and see what could be done.

The telegram from Consul Gauss under date of the 4th instant, and his despatch No. 583 of the same date report what appears to be the final settlement of the case. I can not but concur in his decision that this final compromise judgment must be accepted as the best result obtainable under the circumstances.

J. V. A. MacMurray.

[Inclosure 1—Extract.]

Consul Gauss to Chargé MacMurray.

American Consulate General,
Shanghai, August 20, 1915.

Sir: Until such time, in the next few days, as I am able to obtain a copy of the Chinese text of the judgment of the Mixed Court and a copy of a seven-page protest filed by the Japanese assessor, I quote for your information the English text of the judgment as written on the charge sheet by Assessor Bishop and by him communicated to me this afternoon:

The Court finds that the plaintiff's goods were first used and are therefore entitled to protection. The Court further finds that the goods of the defendant are so similar to those of the plaintiff as to constitute a violation of the rights accorded to the plaintiff by the treaty. The verdict is therefore that the defendants are guilty. The goods of the defendant are to be held by the Court, and the defendants cautioned against the future use of similar articles.

Mr. Bishop informs me that the Japanese assessor made a most strenuous objection to the proposed decision in favor of the plaintiffs.

I have [etc.]

C. E. Gauss.

[Inclosure 2—Telegram—Paraphrase.]

Consul Gauss to Chargé MacMurray.

American Consulate General,
Shanghai, August 23, 1915.

It has been ascertained that the Chinese version of the judgment in the Vaseline case does not agree with that of the assessor, but confirms the Japanese contention. Investigating.

[Inclosure 3—Telegram—Paraphrase.]

Chargé MacMurray to Consul Gauss.

AMERICAN LEGATION,
Peking, August 24, 1915.

Referring to the foregoing telegram, the Legation advises the Consulate General that the Minister for Foreign Affairs has promised to telegraph the authorities at Shanghai asking for explanations and urging them to take such steps as may still be feasible in order to avoid the serious situation which would be created by the handing down of a garbled Chinese version of the judgment.

[Inclosure 4—Extract.]

Consul Gauss to Chargé MacMurray.

No. 574.] AMERICAN CONSULATE GENERAL,
Shanghai, August 25, 1915.

SIR: With reference to my telegram of August 23, I have now the honor to submit for the Legation's consideration a report on the judgment in the case of the Chesebrough Manufacturing Co. vs. Tsang San Daung et al., in the Mixed Court at Shanghai on August 19.

On August 14, Mr. Bishop had an interview with Magistrate Kuan and reported to me that the latter was willing to agree to the judgment as desired by this Consulate General and that Thursday, August 19, had been set for the date of delivering such judgment.

On Wednesday, August 18, while at a reception at the Austro-Hungarian Consulate General, Magistrate Kuan mentioned to Vice Consul Perkins that this case was coming up on the following day and that he had a compromise judgment to propose of which he requested that Mr. Bishop be informed. Something interfered to interrupt this conversation, but Mr. Perkins informed me of it promptly and the following morning I saw Mr. Bishop, informed him that Magistrate Kuan had spoken of having a compromise judgment and that he should be careful not to agree to any judgment that did not fully lay down the principle of priority of use, et cetera, for which we had been contending.

On Thursday evening Mr. Bishop came into my office from the Court and reported that he had finally succeeded in having the judgment rendered; that the judgment as delivered supported the principle of priority of use; and he indicated that the Chinese text of the judgment had gone even so far as to say that the priority had been established by twenty years use on the market.

Mr. Bishop reported that at the protest of the Japanese assessor the goods of the defendant which it had originally been agreed to 'confiscate" had been "held for the consideration of the court" which might be said to be practically equivalent since no disposition of them could be made without our consent. He also said that as this case was a criminal one, the magistrate had held that an injunction could not properly issue, but that he had agreed instead to a warning.

I instructed Mr. Bishop to obtain copies of the English and Chinese texts of the judgment, for transmission to the Legation and the Department, and also a copy of the written Japanese protest which I understood had been put in.

On Friday afternoon, I asked Mr. Bishop whether he had yet obtained the judgment from the Mixed Court, as I had requested. He replied that he had the English text, which he handed to me and to Attorney Davies and said that the Chinese text and the copy of the Japanese protest were being sent to him by the court.

On Saturday noon there was handed to me a letter from Magistrate Kuan to Mr. Bishop with attached copy of the Chinese text of the judgment of the court which was evidently in direct contradiction of the judgment as reported to me by Mr. Bishop.

Mr. Bishop had left for Japan on vacation early Saturday morning, so I could not consult him on the matter.

If the Chinese text of the judgment is permitted to stand, serious harm will have been done to the American contention of principle in these cases.

I have, therefore, instructed Vice Consul Perkins, who is resuming his duties as assessor during the absence of Mr. Bishop, to write to the magistrate protest-

ing against the Chinese text of the judgment as not representing the real judgment which, apparently, from the endorsement of the assessor on the charge sheet, had been agreed upon by him with the magistrate.

The attorney for the Chesebrough Manufacturing Company will consider the advisability of immediately bringing a similar action against other Chinese.

I have [etc.]

C. E. GAUSS.

[Subinclosure—Translation.]

Judgment of the Mixed Court in Chesebrough Manufacturing Co. v. Yung Kee Chiang et al. for infringement of trade-mark.

After questioning, it has been clearly shown by the plaintiff that this kind of vaseline has been in the Shanghai market for over 20 years, and it is alleged that the goods which the defendants have been selling were bought from the Osaka Japanese merchant, Sung Peng Tz'u Lang, and imported to Shanghai.

As to whether these goods are an infringement of the trade-mark of the plaintiff, this question belongs to the Japanese courts for an authoritative decision.

Inasmuch as the defendant's goods now held in the court somewhat resemble the plaintiff's mark, the stock is to be detained for examination and consideration.

The present case being a criminal action, this court does not deem it fit to grant the application of the plaintiff for an injunction against the sale of the defendant's goods.

Should the plaintiff file any further suits against the defendants, we will institute further inquiries and deal with the case according to its merits.

The defendants are hereby released and the case finished.

Dated the 19th day of the 8th moon, 4th year of the Chinese Republic.

[Inclosure 5.]

Chargé MacMurray to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Peking, August 30, 1915.

EXCELLENCY: I have on several occasions had the honor to discuss with your excellency the principle of jurisdiction involved in the case, recently pending in the Mixed Court at Shanghai, in which an American firm, the Chesebrough Manufacturing Company, was prosecuting certain Chinese citizens, Messrs. Yung Kee Chiang et al., for knowingly passing off an imitation of the Vaseline trade-mark belonging to the American company and entitled, under the terms of Article IX of the Treaty of Commerce concluded between the American and Chinese Governments in 1903, to the protection of the Chinese Government to the full extent of Chinese jurisdiction. Your excellency will recall that I have had occasion to urge, and to note your concurrence in the view, that the present case admits of no legal locus standi in favor of third parties of other nationality, inasmuch as it concerns only the treaty obligation of Chinese sovereignty to protect American trade-mark rights from abuse by persons subject to that sovereignty, whether by direct infringement or by giving currency to such infringements originating elsewhere.

This Legation has now received from the American Consulate General at Shanghai a report to the effect that on August 19 the judgment in this case, as agreed upon by the magistrate and the American assessor, was delivered in favor of the American plaintiffs, and was noted in English upon the charge sheet by the American assessor in the following terms:

Judgment. Chesebrough Manufacturing Co. v. Yung Kee Chiang et al.

The Court finds that the plaintiff's goods were first used and are therefore entitled to protection. The Court further finds that the goods of the defendant are so similar to those of the plaintiff as to constitute a violation of the rights accorded to the plaintiff by the treaty. The verdict therefore is that the defendants are guilty. The goods of the defendant are to be held by the court, and the defendants cautioned against the future use of similar articles.

It is with the utmost chagrin, however, that the Legation has learned that the judgment which the magistrate entered upon the Chinese charge sheet is essentially different from that upon which he had agreed with the American assessor and in which he acquiesced when it was read by the assessor as the final decision in the case, and gave judgment in the following terms in favor of the defendants on the ground that the fact of infringement must be determined, even as between American and Chinese citizens, by a Japanese court:

[Translation from the Chinese text.]

Judgment of the Mixed Court in Chesebrough Manufacturing Co. vs. Yung Kee Chiang et al. for infringement of trade-mark.

After questioning, it has been clearly shown by the plaintiff that this kind of vaseline has been in the Shanghai market for over twenty years, and it is alleged that the goods which the defendants have been selling were bought from the Osaka Japanese merchant, Sung Peng Tzu Lang, and imported to Shanghai.

As to whether these goods are an infringement of the trade-mark of the plaintiff, this question belongs to the Japanese courts for authoritative decision.

Inasmuch as the defendant's goods now held in the court somewhat resemble the plaintiff's mark, the stock is to be detained for examination and consideration.

The present case being a criminal action, this court does not deem it fit to grant the application of the plaintiff for an injunction against the sale of the defendant's goods.

Should the plaintiff file any further suits against the defendants we will institute further inquiries and deal with the case according to its merits.

The defendants are hereby released and the case finished.

Dated the 19th day of the 8th moon, 4th year of the Chinese Republic.

Your excellency will not fail to note that between the English judgment agreed upon between the magistrate and the assessor, and entered by the latter upon the English charge sheet, and the Chinese version put forth by Magistrate Kuan, there is a discrepancy not merely accidental but fundamental: whereas the judgment agreed upon gives the decision in favor of the plaintiff in recognition of the rights and obligations of Chinese sovereignty for the purpose of jurisdiction in such cases, the Chinese version of it acquits the defendants on the ground that the obligations of the Chinese Government to citizens of the United States under the terms of the Treaty of 1903 are subject to the determination of courts of Japanese jurisdiction.

Such a decision, even if regularly rendered and valid, could scarcely be accepted by my Government as consonant with its treaty rights; and the refusal of a Chinese court to take jurisdiction for the protection of American treaty rights against abuse by citizens of China cannot but be regarded as a denial of justice.

It is the fact, however, as admitted by Magistrate Kuan in an interview with American Vice Consul Perkins, that the Chinese version of the judgment in this case is not the actual judgment of the Mixed Court, inasmuch as it does not accord with the understanding reached between the magistrate and the assessor, and does not bear the signature of the assessor or the seal of the Court. The Legation therefore fully approves the contention set forth by Mr. Perkins, acting as American assessor, in a communication addressed to Magistrate Kuan on the 24th instant in the following terms:

SIR: By your letter of August 19 you transmit to this office a Chinese text which you say is the decision rendered after consultation in the above case.

I have the honor to point out that this Chinese version is directly opposed to the English version of the judgment of the Court as it was read in open court, in your presence and with your evident sanction and approval, by the American Assessor, Bishop, who sat in the case.

The judgment of the Court as read by Mr. Bishop appears in his handwriting on the English charge sheet.

The Chinese text submitted by you is distinctly opposed to all principles of right and justice.

Furthermore it has not been sealed by the Court nor signed by the Assessor. It is, therefore, not to be considered as authentic.

That the American Assessor did not agree to such judgment but arrived at an entirely different agreement with the Court would appear from his endorsement made at the time on the English charge sheet.

I am accordingly instructed to inform you that the endorsement of the Assessor on the charge sheet, having been read in open court as the judgment of the Court in the case, in your hearing and with your apparent approval and consent, will be considered by this Consulate General as the binding judgment of the Court.

I am [etc.]

M. F. PERKINS,
American Assessor.

In accordance with this view, I have the honor to request that your excellency may be so good as to take such action as may prove feasible in order to assure that the actual judgment of the Mixed Court, as read and entered

on the English charge sheet by the assessor in the case, may be recognized as effective, and duly executed in spite of the contradiction inherent in the garbled Chinese version thereof.

In making this request, I beg to reserve for eventual consideration such action as the Government of the United States may deem to be necessary in the event of a denial of justice to its nationals, as also such representations as it may seem fit to make in reference to the conduct of Magistrate Kuan.

I avail [etc.]

J. V. A. MacMurray.

[Inclosure 6—Telegram—Paraphrase.]

Consul Gauss to Chargé MacMurray.

American Consulate General,
Shanghai, September 4, 1915.

Mr. Gauss reports that after a prolonged discussion the magistrate has omitted from the Chinese text in the Vaseline case the sentence in regard to the fact of infringement being a matter for determination by the Japanese courts; and that Magistrate Kuan and Assessor Bishop have signed the English and Chinese judgments, the two texts to be considered as representing the opinion of the court, save for the fact that the sentence "verdict of guilty" has been deleted from the English text; this was a concession to the magistrate, in order to induce action to break the persistent deadlock, it being considered that the fact of the defendant's guilt appears from the sense of the judgments.

It seemed desirable to accept the settlement above outlined, in view of the weakness of the excuse of misunderstanding made by the assessor.

File No. 893.543 C 42/5.

Chargé MacMurray to the Secretary of State.

[Extract.]

No. 761.] American Legation,
Peking, September 22, 1915.

Sir: In further reference to the case arising out of the sale by Chinese dealers of a Japanese infringement of the Vaseline trade-mark, I have the honor to transmit for the information of the Department, copies of further dispatches[17] from the Consulate General at Shanghai which indicate the final settlement arrived at in the case.

The judgment in this case, releasing the defendants but detaining, under circumstances which are tantamount to confiscation, the stock of goods bearing the infringing trade-mark, is not wholly unsatisfactory, inasmuch as it implies a recognition of the trade-mark rights of the American owners, and of the jurisdiction of the Chinese court in enforcing those rights as against Chinese dealers in the infringement. The judgment is unsatisfactory, however, in that it leaves those principles to inference, and cannot but appear inconclusive by reason of that fact and of the further fact that no definite penalty was imposed upon the defendants, nor was there even a direct statement of their guilt. In order to obtain a more conclusive judgment on the question at issue, I have taken occasion to suggest to Consul Gauss that he discuss with the attorneys for the American owners of this trade-mark the feasibility of their instituting new criminal proceedings against other dealers in the infringement, or (preferably) of

[17] Not printed.

seeking in the Mixed Court a civil injunction restraining the defendants in the present criminal case from further dealing in the infringement.

The Minister for Foreign Affairs has not yet replied to my note of August 30 last, although his secretary some days ago advised the Chinese Secretary of the Legation that a copy of the compromise judgment, as signed on September 4, had been received by the Ministry, and would shortly be communicated to the Legation in reply to that note.

I propose, upon receiving such explanations as the Foreign Office may offer in regard to the fundamental discrepancy between the English and Chinese versions of the judgment, as pointed out to it in my note of the 30th ultimo, to emphasize the fact that the Chinese version originally recorded by Magistrate Kuan was categorically opposed to the instructions which the Minister for Foreign Affairs personally promised me to send him, and which Dr. Yen told me explicitly, on the 11th ultimo, had been telegraphed to Magistrate Kuan, to the effect that the Mixed Court should exercise full jurisdiction in the case.

I have [etc.]

J. V. A. MacMurray.

File No. 893.543 C 42/6.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 770.] AMERICAN LEGATION,
Peking, September 30, 1915.

SIR: In continuation of dispatch No. 761, of the 22d instant, I have the honor to submit for the information of the Department a translation of the note [17] in which the Foreign Office, replying under date of the 22d instant to the Legation's note of August 30, communicated to the Legation the text of that judgment with the comment that it had been discussed with and approved by both the American and Japanese assessors. There is also enclosed a copy of the note [17] by which the Legation on the following day pointed out that the case was one between Americans and Chinese, in which no other nationality was involved, and requesting for its files another statement of the settlement which should not confuse the question at issue by irrelevant references to third parties.

Lest any misunderstanding should arise out of the ambiguous phraseology of the note from the Foreign Office, which seems to imply that the final judgment was signed by the Japanese assessor, I have to report that the Legation has communicated with the Consulate General at Shanghai and has ascertained that such is not the case.

When calling on the Minister for Foreign Affairs yesterday afternoon I took occasion to express to him the unwillingness of the Legation to accept the note of the 22d instant as concluding the matter, in view of its gratuitously confusing the question of jurisdiction involved by setting forth the concurrence of the Japanese assessor—

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[17] Not printed.

in entire disregard of the contention upon which the Legation has rested the case, and which the Minister for Foreign Affairs, in conversations with me and with the Chargé d'Affaires during my absence, has accepted as being the sole contention compatible with Chinese sovereignty under the existing treaties. In reply, the Minister consented that the Foreign Office note of September 22 and the Legation's reply of the 23d should both be returned, and that this exchange of correspondence should be considered as non avenu.

I have [etc.]

PAUL S. REINSCH.

File No. 893.54/322.

The Secretary of State to Minister Reinsch.

No. 347.] DEPARTMENT OF STATE,
Washington, October 26, 1915.

SIR: Receipt is acknowledged of the Legation's despatch No. 695 of July 20, 1915, with its enclosures, relative to the Vaseline and Eagle Brand milk trade-mark cases.

The Department understands that the Chesebrough Manufacturing Company, an American corporation, had registered at the appropriate office at Shanghai in pursuance of the provisions of Article 9 of the Treaty of October 8, 1903, the company's trade-mark Vaseline; that imitations, of Japanese manufacture, bearing the company's trade-mark were sold in China by certain Chinese; that criminal proceedings were brought in the Mixed Court at Shanghai against one Kuang Sung Chiang [Yung Kee Chiang?] for the purpose of having him penalized for infringement and enjoined from further dealing in imitation goods bearing the company's trademark; and that the Chinese magistrate withheld judgment of conviction on account of representations made by the Japanese Consulate General at Shanghai to the local Chinese authorities, and later declared that the case should be dismissed on the ground that the fact of infringement should first be established in a Japanese court.

It is the opinion of the Department that the Chinese magistrate's view of this case is wholly unwarranted and that if judgment be withheld or the case dismissed in accordance with this view there would be a violation of the treaty obligation of the Chinese Government fully "to protect any citizen, firm or corporation of the United States in the exclusive use" in the Republic of China "of any lawful trademark which they have adopted and used or intend to adopt and use, as soon as registered" (Art. IX, Treaty of October 8, 1903), and the company would be deprived of the judicial remedies provided by Article IV of the Treaty of November 17, 1880.

Mr. MacMurray's proposal to protest to the Chinese Government in the event that the magistrate fails to render judgment on the merits of the case is approved, and in communicating the protest to the Foreign Office you are authorized to say that this Government reserves the right to present, in behalf of American citizens or corporations, claims for damages resulting from such denials of justice. It is deemed inadvisable, however, to propose arbitration of such claims at the present time.

I am [etc.]

ROBERT LANSING.

File No. 893.543 C 42/5.

The Secretary of State to Minister Reinsch.

No. 350.] DEPARTMENT OF STATE,
Washington, November 6, 1915.

SIR: The Department has received the Legation's dispatch No. 761 of September 22, 1915, with its inclosures, relative to the Vaseline trade-mark case.

The attitude of the Legation as set forth in the above mentioned dispatch [is] approved.

I am [etc.]

For the Secretary of State;
FRANK L. POLK.

File No. 893.543 C 42/6.

The Secretary of State to Minister Reinsch.

[Extract.]

No. 351.] DEPARTMENT OF STATE,
Washington, November 8, 1915.

The Department has received your No. 770 of September 30, 1915, and approves your course in pointing out to the Chinese Minister for Foreign Affairs that the case was one between Americans and Chinese in which no other nationality was involved, and requesting for the Legation's files another statement of the settlement, which should not confuse the question at issue by irrelevant references to third parties.

I am [etc.]

ROBERT LANSING.

File No. 893.543 C 42/7.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 826.] AMERICAN LEGATION,
Peking, November 18, 1915.

SIR: In continuation of my dispatch No. 770 of September 30, concerning the Vaseline trade-mark case, I have the honor to enclose a translation of the note from the Ministry for Foreign Affairs to the American Chargé d'Affaires, dated September 22 last, which was substituted for the form enclosed with the above-mentioned dispatch, and which constitutes the closing of this case.

I have [etc.]

PAUL S. REINSCH.

[Inclosure.—Translation.]

Ministry of Foreign Affairs to Chargé MacMurray.

No. 390.] MINISTRY FOR FOREIGN AFFAIRS,
Peking, September 22, 1915.

SIR: We have the honor to acknowledge the receipt of your note of the 30th of August regarding the suit brought by an American merchant against a Chinese for dealing in goods bearing a fraudulent trade-mark

We instructed the customs taoyin of Shanghai to order action to be taken and now have his report stating that the Mixed Court judge, acting with Mr. Bishop, the American Vice Consul, carefully considered the case and both altered the discrepancy found in the texts of the judgment and wrote out a judgment according to what they had agreed upon, which they signed, so closing the case. The taoyin reports having verified the copies.

We have to observe that the Mixed Court magistrate, having secured the approval of Vice Consul Bishop, both have signed the judgment. Therefore the case is definitely disposed of, as we trust you have already been notified by the American Consul General at Shanghai. We now enclose a copy of the judgment for your inspection.

A necessary despatch.

[Seal of the Ministry of Foreign Affairs.]

[Sub-inclosure—Translation.]

Judgment in the Vaseline trade-mark case: The Chesebrough Manufacturing Company vs. Yung Ch'i Hsiang and others for infringement of trade-mark.

After questioning, it has been clearly shown by the plaintiff that this kind of vaseline has been in the Shanghai market for over twenty years, and it is alleged that the goods which the defendants have been selling were bought from the Osaka Japanese merchant, Sung Pen Chu Tz'u Lang and imported to Shanghai.

Inasmuch as the defendant's goods now held in court bear a mark somewhat resembling that of the plaintiff's, the goods are to be detained for examination and consideration.

The present case being a criminal action, this court does not deem it fit to grant the application of the plaintiff for an injunction against the sale of the defendant's goods.

Should the plaintiff file any further suits against the defendants, we will institute further inquiries and deal with the cases according to their merits.

The defendants are hereby released and the case closed.

File No. 893.543 C 42/7.

The Secretary of State to Minister Reinsch.

No. 369.] DEPARTMENT OF STATE,
Washington, December 27, 1915.

SIR: The Department has received your dispatch No. 826 of November 18, 1915, with its enclosures, concerning the Vaseline trade-mark case.

The dispatch and its enclosure have been read with satisfaction.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

THIRD INTERNATIONAL OPIUM CONFERENCE.

(*See* Netherlands.)

INTERNATIONAL OPIUM CONVENTION AND FINAL PROTOCOL.

(*See* International Conventions.)

RESTRICTION OF IMMIGRATION OF CHINESE TO CUBA.

(*See* Cuba.)

PROTECTION OF CHINESE INTERESTS IN MEXICO.

(*See* Mexico.)

PROTECTION OF CHINESE INTERESTS IN PANAMA.

(*See* Panama.)

DISCRIMINATION IN RAILROAD RATES.

(*See* Japan.)

93072°—F R 1915——17

COLOMBIA.

ASSUMPTION OF THE PRESIDENCY BY JOSÉ VICENTE CONCHA.

File No. 821.001C74/1.

The Minister of Colombia to the Secretary of State.

[Translation.]

LEGATION OF COLOMBIA,
Washington, December 2, 1914.

SIR: I have the honor to send to your excellency the autograph letter in which His Excellency the President of Colombia, Doctor José Vicente Concha, announces his assumption of office to His Excellency the President of the United States; and I beg your excellency to be good enough to cause the said letter to be delivered at its high destination, together with the sentiments of distinguished consideration which are professed by the President of the People of Colombia and his Minister at Washington for the illustrious Mr. Wilson.

I avail [etc.]

JULIO BETANCOURT.

[Inclosure—Translation.]

José Vicente Concha, President of the Republic of Colombia, to His Excellency the President of the United States of America.

GREAT AND GOOD FRIEND:

Elected by the popular vote of my fellow-citizens to be President of the Republic of Colombia for the period of four years, which began yesterday, I entered upon the exercise of the Executive Power, after having taken possession of the Chief Magistracy before the National Congress, in the terms prescribed by the Constitution.

I consider one of the duties to which I should give special attention to be that of strengthening the friendly ties existing between our respective countries, to which end I venture to count upon the able cooperation of Your Excellency.

I very sincerely desire the prosperity of your nation as well as Your Excellency's personal happiness; and I have the honor to be, with the highest consideration, Your Excellency's

Loyal and Good Friend,

JOSÉ VICENTE CONCHA.

Attest:

MARCO FIDEL SUÁREZ.

BOGOTÁ, *August 8, 1914.*

File No. 821.001C74/1.

The Secretary of State to Chargé Harrison.

No. 43.] DEPARTMENT OF STATE,
Washington, February 1, 1915.

SIR: I enclose, with office copy, a letter by which the President acknowledges the letter of His Excellency José Vicente Concha, an-

nouncing his assumption of the Presidency of the Republic of Colombia and his entrance upon the duties of the office.

You will forward the copy to the Foreign Office and deliver the original in the manner most agreeable to His Excellency.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

[Inclosure.]

Woodrow Wilson, President of the United States of America, to His Excellency José Vicente Concha, President of the Republic of Colombia.

GREAT AND GOOD FRIEND:

I have received the letter of the 8th of August last, in which Your Excellency announced your assumption of the Presidency of the Republic of Colombia and your entrance upon the duties of the office.

I cordially reciprocate the sentiments you express for the continuance of the friendly relations which have heretofore existed between the United States and Colombia, and I assure Your Excellency of my best wishes for your personal welfare and for the prosperity of the Republic over which you have been called to preside.

Your Good Friend,

WOODROW WILSON.

By the President:
W. J. BRYAN,
Secretary of State.

WASHINGTON, *January 13, 1915.*

CORRESPONDENCE RELATING TO THE TREATY OF APRIL 6, 1914, BETWEEN THE UNITED STATES AND COLOMBIA.[1]

File No. 711.21/314a.

The Secretary of State to the Minister of Colombia.

DEPARTMENT OF STATE,
Washington, March 4, 1915.

MY DEAR MR. MINISTER: The President and I deeply regret the delay that has occurred in the consideration of the treaty between your country and ours. While we feel sure that a majority of the Senate has, at all times, been favorable to the ratification of the treaty, there has been a strong and persistent opposition which has made it impossible for us to move more rapidly than we have. The new Senate, we are convinced, will be more favorable to the ratification of the treaty than the Senate which has just adjourned.

The President has considered for several days the advisability of calling a special session of the Senate, but this Congress had been in session almost continuously since its first assembling, longer than any previous Congress; and, after consideration, he decided that the situation was not such as to make it wise to convene the Senate in extra session at this time. We believe, too, that the sentiment in favor of the treaty will grow as its terms are better understood and

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[1] Continued from For. Rel. 1914, pp. 146–169.

that the prospects of ratification will therefore be better if action is delayed.

Please assure your Government that the President has lost none of his interest in the success of the treaty and will press its consideration at the next session. We appreciate the speedy and favorable action taken by your Government and we trust that your people will have patience and await the action of our Senate.

Accept [etc.]

W. J. BRYAN.

File No. 711.21/314b.

The Secretary of State to Chargé Harrison.

[Telegram.]

DEPARTMENT OF STATE,
WASHINGTON, *March 5, 1915.*

Have just sent to Minister Betancourt here the following letter:

[Quotes letter of March 4.]

Please deliver a copy to the Foreign Office as an explanation of delay in ratification of treaty.

BRYAN.

File No. 711.21/318.

The Minister of Colombia to the Secretary of State.

LEGATION OF COLOMBIA,
New York, March 12, 1915.

MY DEAR MR. BRYAN: The delay that unfortunately has occurred in the consideration of the treaty between your country and mine has caused me keen regret also, for I did hope that it would be ratified by the Senate just adjourned. But the circumstances that you mention in your communication of the 4th inst., to which I refer, seem to have been unavoidable.

I have no misgivings as to the final outcome of this important matter, and my faith is strengthened by your conviction that the next Senate will be more favorable to ratification of the treaty.

I cannot believe for one moment that representatives of a nation whose fair dealings are recorded on the pages of history will fail to do justice to Colombia, especially when His Excellency the President and his high-minded Secretary of State have shown so much interest in the success of this treaty, which—if ratified—will renew the good friendship between our countries.

I am transmitting these views to my Government, assuring them at the same time [of] our common faith in the final ratification of the treaty.

Please accept [etc.]

JULIO BETANCOURT.

File No. 711.21/315.

Chargé Harrison to the Secretary of State.

[Extract.]

No. 136.] AMERICAN LEGATION,
Bogotá, March 19, 1915.

SIR: Referring to your telegram of the sixth [fifth] instant quoting to me your letter of that date [of March 4] to Minister Betancourt in explanation of the delay which has occurred in the consideration of the Treaty of April 6 last, I have the honor to report that in conformity with your instructions a copy thereof was delivered to the Minister for Foreign Affairs on Monday the 8th.

Dr. Suárez was much pleased and expressed his appreciation and thanks for your kind attention, of which he would hasten to inform the President.

On the 10th the Minister gave the contents of your letter to the editor of the "Nuevo Tiempo," in which it was published on the 11th.

This caused a most favorable impression as the people were without definite news of the treaty and great anxiety was felt as to its fate in the Senate. While regret was expressed that a special session would not be called, the intentions of the President and yourself and the fact that Colombia could count upon your every effort to obtain favorable action by the Senate, was very satisfactory.

I have [etc.]

LELAND HARRISON.

File No. 711.21/316.

The Minister of Colombia to the Secretary of State.

No. 24.] LEGATION OF COLOMBIA,
Washington, April 17, 1915.

SIR: The enemies of the Treaty between Colombia and the United States have fought it, and will go on fighting it, without regard to means however unlawful they may be. Through the press they have published all sorts of falsehoods and calumnies. It is said that Colombia has "associates," thereby suggesting persons with whom she will share the indemnity for the damages suffered by the loss of Panama.

The declaration and statements made by my Government and by this Legation have not been sufficient to destroy such a stupid calumny.

One of the falsehoods that the enemies of the treaty continue to spread is that this agreement of justice and international harmony was shaped in virtue of intrigues and influences of political persons and lawyers who took part in the settlement of the questions. In this particular your excellency's honorable testimony will be of high service to show the truth and I respectfully beseech for it, in order to have a genuine statement in an official note from your excellency that the treaty signed April 6, 1914, between Colombia and the United States was performed without absolutely there having been

at work any influence of political personages or lawyers or any other class of people.

The diplomatic antecedents of said treaty began to be prepared with the Root-Cortés Treaty under Mr. Roosevelt's administration, they were continued by Mr. Taft's administration and had their natural and logical complement in the treaty whose approval by the American Senate some people want to prevent at any cost by the use of means contrary to truth and justice.

In the hope that your excellency will be pleased to give me the testimony hereby requested,

I take [etc.]

JULIO BETANCOURT.

File No. 711.21/316.

The Secretary of State to the Minister of Colombia.

No. 153.] DEPARTMENT OF STATE,
Washington, April 23, 1915.

SIR: I have the honor to acknowledge the receipt of your note of the 17th instant in regard to false and calumnious statements which you state the enemies of the treaty between the United States and Colombia, signed at Bogotá on April 6th last year are circulating through the press to the effect that the treaty "was shaped in virtue of intrigues and influences of political persons and lawyers who took part in the settlement of the questions."

Complying with your request for my testimony in this regard, I beg to say that in the negotiating of the treaty the United States was animated by no other motive than to restore the ancient friendship that had existed between the two countries by settling in a friendly, honorably [sic] and just way the differences between them arising out of the events which took place on the Isthmus of Panama in November 1903, and that the United States was in no wise, as all who are conversant with the negotiations are aware, influenced by any outside sources. I have no doubt that the negotiations on the part of Colombia were conducted with the same high motive and I have no reason to believe, and I do not believe, that the Government of Colombia, whose integrity is too well known to be doubted, had any other object or aim. As you correctly state the treaty was negotiated and concluded without "there having been at work any influence of political personages or lawyers or any other class of persons."

Accept [etc.]

W. J. BRYAN.

File No. 711.21/537.

The Minister of Colombia to the Secretary of State.

LEGATION OF COLOMBIA,
Washington, December 2, 1915.

MY DEAR MR. SECRETARY: As you are doubtless aware, I have purposely refrained from intruding the grievances of Colombia upon you in all these months of stress and worry during which you have handled the most delicate international situations in a manner worthy of the highest traditions of diplomacy. But the time has

come when my Government will no longer permit me to maintain an attitude of expectancy, and I have sent you a brief memorandum from my Government emphasizing the importance which the Republic of Colombia attaches to the prompt ratification of the Treaty of the 6th of April, 1914. Should you deem it expedient, my Government has no objection to its immediate publication.

I need not say, my dear Mr. Secretary, how deeply I trust that the Senate of the United States will approve the treaty entered into at the instance of the United States and already approved by the Colombian Congress.

Twelve years have passed since Panama was taken from Colombia, and for more than three years I have laboured here to arrive at a solution which four of my predecessors had sought in vain. I am unaffectedly anxious over the outcome, more especially as I foresee that in case the treaty fails to receive the approbation of the American Senate, and as a preliminary step to what action my Government may decide upon, the Republic of Colombia will be obliged to withdraw from the Pan American Union as it would no longer be compatible with our national honor to retain membership in a corporation ostensibly created to promote harmony among all the nations of America and capable of existence only on the basis of justice and fair dealing.

We are at a point in history where, more than ever before, the unification of all the interests of our continent is a matter of vital concern to the great Republic of the North whose statesmen—among whom you occupy so distinguished a position by virtue of your high moral and intellectual attainments—cannot fail to see that in union lies the future safety of the New World.

I take this opportunity [etc.]

JULIO BETANCOURT.

File No. 711.21/537.

The Secretary of State to the Minister of Colombia.

DEPARTMENT OF STATE,
Washington, December 21, 1915.

MY DEAR MR. MINISTER: I beg to acknowledge the receipt of your letter of the 2d instant regarding the importance which your Government attaches to the early ratification of the Treaty of the 6th of April, 1914, by the United States Senate.

I have read the memorandum to which you refer in your letter under acknowledgment and have forwarded a copy thereof to the President.

You may rest assured that I fully appreciate the situation and that I shall make every proper effort to bring about the desired result.

I am [etc.]

ROBERT LANSING.

COSTA RICA.

BOUNDARY DISPUTE WITH PANAMA.

(*See* Panama.)

PROTEST OF COSTA RICA AGAINST PROPOSED NICARAGUA CANAL TREATY.

(*See* Nicaragua.)

PROTEST OF THE UNITED STATES AGAINST THE PRESENCE IN COSTA RICA OF CERTAIN NICARAGUAN REVOLUTIONISTS.[1]

File No. 817.00/2391.

Minister Hale to the Secretary of State.

No. 53.] AMERICAN LEGATION,
San José, January 8, 1915.

SIR: Referring to my No. 52 of December 31, I have the honor to enclose copy and translation of the reply of the Foreign Minister to my note of December 30.

The Foreign Minister's note, it will be observed, gives the date of mine to him as January 4. That is a mistake for December 30. The Minister probably did not return to his office, after the holidays, until Monday, January 4.

I have [etc.]

E. J. HALE.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Minister Hale.

FOREIGN OFFICE,
San José, January 5, 1915.

MR. MINISTER: I have had the honor to receive your excellency's note dated the 4th instant, in which, replying to that of this Department of the 22d of December last, your excellency was pleased to inform me of having communicated in extract to your Government what was set forth by me in the note cited, and at the same time to inform me that the Department of State in Washington considers as terminated the friendly endeavors in regard to the matter treated of between your excellency and this Department, endeavors which, according to what is set forth by your Government, had for their sole motive sentiments in favor of the welfare and tranquillity of the Central American countries; but as your excellency, before setting forth what was determined by your Government, treats of rectifying the interpretation given by me to your communication of the 21st of December last, may I be permitted, Mr. Minister, respectfully to state that that interpretation was not arbitrary on my part but is derived from the general tone of the note as well as from the word "request" employed by your excellency, the Castilian translation of which, in any of its forms, is that of to ask (pedir) or beg (rogar) one to give or do

[1] Continued from For. Rel. 1914, pp. 180–185.

something; and as to ask (pedir) means to beg (rogar) or demand (demandar) in the sense already stated, and to beg (rogar) or demand (demandar) have the same explicative value as the verb to ask (pedir), it is evident from this analysis that the interpretation given by me of the word "request" conforms in every respect with the definitions given it by the Diccionario de la Lengua Castellana, on which I have founded my reply to your excellency's note.

Apart from this lack of agreement between your excellency and the undersigned about the interpretation of the note of December 21, it is gratifying to me to say again to your excellency that my Government always views with genuine satisfaction the friendly spirit which animates the Government of your excellency in all that relates to the tranquillity and well-being of the Central American family.

I avail [etc.]

MANUEL CASTRO QUESADA.

File No. 817.00/2393.

Minister Hale to the Secretary of State.

No. 55] AMERICAN LEGATION,
San José, January 11, 1915.

SIR: In my despatch No. 53 of January 8 I transmitted a copy of the Foreign Office's reply of January 5 to my note of December 30. The Foreign Office note was not perspicuous, and I thought other correspondence unnecessary. Upon reflection I changed my mind and have the honor to enclose copy of my note of this date in reply.

I have [etc.]

E. J. HALE.

[Inclosure.]

Minister Hale to the Minister for Foreign Affairs.

No. 63.] AMERICAN LEGATION,
San José, January 11, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of January 5 in reply to mine of December 30, and to say that I have transmitted a copy thereof to the Department of State of my Government, confident that the appreciation of its friendly spirit in all that relates to the tranquillity and well-being of the Central American family, which your excellency has been pleased to express, will be very gratifying to it.

With respect to the disagreement between your excellency and the undersigned concerning the definition of a word, your excellency will be glad to know that that will be seen to be of no consequence when it is understood, as I now have the honor to inform your excellency, that the tone, form and words of my note of December 21, addressed to His Excellency the President, were those employed by my Government in its instruction to me. Consequently, when it declares that its representations were not presented in the form of a demand, it manifests the view which it entertains of its own act.

I avail [etc.]

E. J. HALE.

File No. 817.00/2382.

The Secretary of State to Minister Hale.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 14, 1915.

The Costa Rican Minister has just been here. It seems that his Government feels aggrieved, first, because they construe the emphatic

request of our December 18 as a demand, and, second, because it was presented to the President instead of to the Secretary of Foreign Affairs. I have given the Minister a paraphrase of my telegram to you of December 24 [29], and have also given him a memorandum of which the following is a copy:

The Secretary of State, in communicating the above paraphrase to the Minister from Costa Rica, assured him that no offense was intended in the form in which the previous communication was presented. While the American Minister was asked to "approach the President" with the matter, there was no intention of slighting the Minister of Foreign Affairs, and the Secretary expressed himself as certain that the Minister to Costa Rica, in carrying out the letter of the request, had no thought of ignoring or giving offense to the Secretary of Foreign Affairs. He feels sure that this explanation will remove any feeling that has been aroused, in view of the desire of both countries to preserve the good will and amity that have so long existed between them. Communications between the Governments ought to be of the most intimate and friendly character and it is the intention of this Government that they shall be. The Secretary expressed regret that there should have been any misunderstanding in regard to the present case or that anything should have been said or done which could in any way cause irritation.

The Minister seems perfectly satisfied with this explanation. It might be well for you to call upon the Minister of Foreign Affairs and explain to him in the sense of this memorandum that in asking you to approach the President we did not mean that you should ignore the Secretary but that you had followed the telegram literally without any intention of slighting him or giving offense. The matter is probably cleared up before this by the communication of our answer of December 24 but I tell you of my conversation with the Minister here so that you may be fully informed as to the facts in the case. Please remove any false impression that may have been made by the language of the original despatch.

BRYAN.

File No. 817.00/2395.

Minister Hale to the Secretary of State.

[Extract.]

No. 56.] AMERICAN LEGATION,
San José, January 18, 1915.

SIR: I have the honor to acknowledge the receipt of the Department's telegram [of January 14].

As will be seen from my despatches Nos. 51, 52, 53 and 55, I have endeavored to remove the effect of the Department's instruction of December 18.

I have [etc.]

E. J. HALE.

CUBA.

RESTRICTION OF IMMIGRATION OF CHINESE TO CUBA—GOOD OFFICES OF THE UNITED STATES.

File No. 837.55/23.

The Chinese Legation to the Department of State.

MEMORANDUM.

An order of the President of the Republic of Cuba was promulgated on November 14, 1913, suspending the operation of the law relating to the admission of Chinese into Cuba so far as to accept certificates issued by the Chinese Legation at Havana as sufficient evidence of the right of Chinese applicants for admission to enter the country, and also remit the head tax of five hundred dollars ($500) imposed by law on each Chinese admitted.

The Cuban Government has revoked the above order. The Chinese Chargé d'Affaires at Havana has protested against this step in pursuance of instructions from his Government, and the Chinese Minister is instructed by his Government to ask the assistance of the American Government to secure a cancellation of this revocation.

CHINESE LEGATION,
Washington, January 16, 1915.

File No. 837.5 /22.

The Secretary of State to Minister Gonzales.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 20, 1915.

Chinese Minister reports that President of Cuba has suspended until now Act of Congress of May, 1913, imposing five hundred dollars head tax on Chinese immigrants, but that Cuban Government has now rescinded suspending order and Act now becomes effective. We are informed that the tax will prohibit Chinese immigration and we are asked to use our good offices to secure relaxation of the measure.

Please make inquiry and report situation and whether it is possible to secure any modification in favor of Chinese.

BRYAN.

File No. 837.55/24.

Minister Gonzales to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Havana, January 27, 1915.

Referring to the Department's telegram of January 20, Chinese Chargé d'Affaires called on me. He had information of Depart-

ment's instruction and recognized delicacy and difficulty of my approaching the Cuban Government in the matter. I introduced the subject to the President in a personal and most informal conversation and got from him Government's version. There is conflict about facts. He said that he wished to be as lenient as possible under the law but Chinese had abused concessions and forged certificates. I gave him to understand we wish to help if there was a way to do so and that the Chinese would be pleased if final action were not taken until their Minister comes here in March and presents his credentials. The President seemed somewhat favorable to that suggestion.

GONZALES.

File No. 837.55/24.

The Secretary of State to the Chinese Minister.

No. 47.] DEPARTMENT OF STATE,
Washington, January 28, 1915.

SIR: Referring to the memorandum dated January 16, 1915, which you left at the Department of State on January 18, requesting the exercise of the good offices of the Government of the United States with the Government of Cuba toward obtaining a restoration of the order of the President of that Republic dated November 14, 1913, suspending the operation of the law governing the admission of Chinese into Cuba to such extent as to permit the acceptances of certificates issued by the Chinese Legation at Habana as sufficient evidence of the right of Chinese applicants to be admitted to that country and also remitting the head tax of five hundred dollars for each Chinese admitted, I have the honor to enclose herewith paraphrases of telegrams exchanged between the Department and the American Minister at Habana on this subject.

Accept [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 837.55/25.

The Chinese Minister to the Secretary of State.

No. 44.] CHINESE LEGATION,
Washington, February 5, 1915.

SIR: I have the honor to acknowledge the receipt of your note of the 28th ultimo, with which you are good enough to enclose for my information paraphrases of telegrams exchanged between your Department and the American Minister at Havana, regarding the exercise of good offices of the Government of the United States with the Government of Cuba toward obtaining a restoration of the order of the President of that Republic, dated November 14, 1913, suspending the operation of the law governing the admission of Chinese into Cuba.

I sincerely appreciate the assistance given by the American Minister to the Chinese Chargé d'Affaires at Havana in this matter;

and I shall not fail to inform you of the results of their combined efforts.

Accept [etc.]

KAI FU SHAH.

File No. 837.55/26.

The Chinese Minister to the Secretary of State.

No. 46.] CHINESE LEGATION,
Washington, February 19, 1915.

SIR: Referring to your note of the 28th ultimo, informing me of the assistance given by the American Minister at Havana toward obtaining the restoration of the order of the President of the Republic of Cuba, dated November 14, 1913, regarding the admission of Chinese to that country, I have the honor to inform you that the Chinese Chargé d'Affaires at Havana has been instructed to follow the suggestion made by the American Minister to the President of Cuba as stated in the Minister's telegram to the Department of January 28, 1915, to the effect that final action should be deferred until a later date, which suggestion seemed to meet with the President's favorable consideration.

It has long been the purpose of the Chinese Government to conclude a treaty with the Government of the Republic of Cuba as a basis of future intercourse between the two countries, and I have been authorized by my Government to open negotiations with this end in view. When I was in Cuba in December last for the purpose of delivering my credentials as Envoy Extraordinary and Minister Plenipotentiary of the Republic of China to the Republic of Cuba, I fully informed the Cuban Government to that effect. Now while treaty negotiations are pending between the two Governments it would seem inopportune to raise any question at the present time that might cause embarrassment in the negotiations. The American Minister's suggestion points a way out of the difficulty. I take the liberty of asking, therefore, that instructions be given him to cooperate with the Chinese Chargé d'Affaires at Havana to secure the consent of the Cuban Government to allow the question of admission of Chinese into Cuba to remain in statu quo by rescinding the recent order revoking the order of November 14, 1913, above mentioned, until the conclusion of the proposed treaty between China and Cuba.

Accept [etc.]

KAI FU SHAH.

File No. 837.55/26.

The Secretary of State to Minister Gonzales.

No. 150.] DEPARTMENT OF STATE,
Washington, February 27, 1915.

SIR: The Department encloses a copy of a note dated February 19, 1915, No. 46, from the Chinese Minister in Washington, with reference to the admission of Chinese into the Republic of Cuba.

It appears from the correspondence on this subject that in November, 1913, the President of Cuba suspended the operation of the law passed by the Cuban Congress in May, 1913, imposing a head tax of five hundred dollars upon every Chinese immigrant, irrespective of his occupation. Recently the President of Cuba issued an order rescinding his action in November, 1913.

You are instructed to use your good offices, in cooperation with the Chinese Chargé d'Affaires at Habana, towards securing the consent of the Cuban Government to allow the question of admission of Chinese into Cuba to remain in statu quo pending the conclusion of certain treaty negotiations now under consideration by the Chinese and Cuban Governments, and referred to in the enclosed note. With this end in view you will lend your good offices, in cooperation with the Chinese representative in Habana, towards inducing the Cuban Government to allow the suspending order of November, 1913, to remain in effect pending the conclusion of the proposed treaty between China and Cuba.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 837.55/26.

The Secretary of State to the Chinese Minister.

DEPARTMENT OF STATE,
Washington, February 27, 1915.

SIR: I have the honor to acknowledge the receipt of your note, No. 46, of February 19, 1915, with reference to the admission of Chinese into the Republic of Cuba. You refer to the action taken in this matter by the American Minister at Habana, and suggest that he be instructed to cooperate with the Chinese Chargé d'Affaires there, with the view of having the Cuban Government consent to allow the question of admission of Chinese into Cuba to remain in statu quo until the conclusion of the proposed treaty between China and Cuba.

In reply I take pleasure in advising you that the substance of your note has been communicated to the American Minister at Habana, with instructions to cooperate with the Chinese representative there in an effort, through the exercise of such friendly good offices, to induce the Cuban Government to allow the suspending order of November, 1913, to remain in force pending the conclusion of the proposed treaty between China and Cuba.

Accept [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 837.55/27.

Minister Gonzales to the Secretary of State.

No. 220.] AMERICAN LEGATION,
Habana, April 12, 1915.

SIR: Referring to the Department's instruction No. 150, of February 27, 1915, directing me to lend my good offices, in cooperation

with the Chinese representative in Habana, towards inducing the Cuban Government to hold in abeyance its most recent order in regard to Chinese immigration until the conclusion of the proposed treaty between China and Cuba, I have the honor to report that I found it impracticable to cooperate with the Chinese Chargé d'Affaires because of the change then taking place, the former Chargé just leaving and the new Chargé not yet taking up these matters with me; but that I spoke to the President informally and asked him whether he would prefer me to take the matter up with him in that way, or officially through the Secretary of State. He thought it would better serve to get the fundamental issues brought forward more definitely if I would adopt the latter channel of communication. I therefore wrote the Secretary of State as in the enclosed copy of my note of March 11, to which the enclosed reply has just been received.

It will be observed that the Cuban Government recognizes as the only law governing immigration the order of the American Military Government of 1902.

I invite attention to the last paragraph of Mr. Desvernine's note, in which this Legation is invited to give its views. I feel that on account of the general belief in the Government here of the practice of fraud in Chinese immigration and of the opposition to more Chinese coolies entering the country, there is very little prospect of accomplishing anything without the presence of the Chinese Minister. This Legation, it appears to me, has gone as far as the delicacy of the situation will now permit.

I have [etc.]

WILLIAM E. GONZALES.

[Inclosure 1.]

Minister Gonzales to the Secretary of State of Cuba.

No. 301.] AMERICAN LEGATION,
Habana, March 11, 1915.

EXCELLENCY: I am instructed by my Government to use the good offices of this Legation towards securing the consent of the Cuban Government to permit the question of the admission of Chinese into Cuba to remain in statu quo pending the conclusion of a treaty between the Government of Cuba and China, negotiations for which the Chinese Minister to the United States and Cuba has been instructed by his Government to open with Cuba. I understand that the Chinese Minister is coming to Habana within a short time in the expectation of arranging said treaty.

The friendly interest of my Government in this question is doubtless intensified by the fact that the first action in the matter of Chinese immigration is attributed to the Governor of Cuba during the American occupation.

It would be a great satisfaction to me if I were able to assist in bringing to a conclusion an understanding on the question of immigration mutually satisfactory to Cuba and China.

I avail [etc.]

WILLIAM E. GONZALES.

[Inclosure 2—Translation.]

The Secretary of State of Cuba to Minister Gonzales.

No. 415.] DEPARTMENT OF STATE,
Habana, April 7, 1915.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note No. 301, dated the 11th of last month, in which, in the name of

your Government, you request my Government's consent to allow the question of the admission of the Chinese into the territory of the Republic to remain in statu quo pending the celebration of a treaty between the Governments of China and Cuba.

With reference to this particular question I would call the attention of your excellency to the fact that the problem of Chinese immigration has had the constant attention of my Government since Military Order No. 155 was issued on May 15, 1902, by which the whole subject of immigration into this country was regulated, sections VII and VIII of which provide that the provisions of the preceding sections shall not be applicable to the Chinese, whose immigration had been prohibited, and while such prohibition should continue the admission of any Chinese coolie into Cuba would be unlawful.

On August 11, 1904, the President of the Republic issued decree No. 237 for the purpose of construing the qualifications of Chinamen excluded under the law.

It was found that the admission of Chinese had become so excessive that the Government was obliged to correct it and issued decree No. 603 on May 19, 1913, in which the quality of a Chinese merchant or student was more exactly construed, these being, outside of the diplomats, their secretaries and servants, the only classes legally permitted to enter Cuba. This decree was to take effect on July 1 of said year, but at the instance of the Chinese merchants its enforcement was postponed by the decree of the 12th of the above-mentioned month and year till the 1st of October following. On June 24, 1914, it was again suspended by decree No. 599 until December 31, 1914, on which date by decision of the Cabinet of Secretaries decree No. 1223 was issued annulling No. 1078 of November 1913. This last decree conferred upon the Chinese Legation in Habana the right of certifying that the applicant for admission is not a coolie, and said applicant being in such case exempted from the bond required by article 5 of decree No. 603, which since January 1 last has been in full force. The bond in question is thus reestablished as originally provided in decree No. 237 issued by President Estrada Palma. The purpose of both decrees is to maintain in full force sections VII and VIII of Military Order No. 155 upon the principles of which they are predicated.

By virtue of the foregoing and of the suggestions contained in your excellency's note, which I am answering herewith, this Department has the honor to state that the status quo is at bottom the legislation on this subject as enacted by the above-mentioned Military Order of 1902 and the subsequent regulations which have been cited above—legislation which will be kept in force as long as demanded by the needs of the country. It affords me pleasure at the same time to express to your excellency our appreciation of your offer of good offices and to state that we would be very glad to know what is the Legation's idea of an arrangement which would be equally satisfactory to the Governments of Cuba and China respectively.

I avail [etc.]

PABLO DESVERNINE.

File No. 837.55/28.

Minister Gonzales to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Habana, April 17, 1915.

Referring to the Department's No. 150, February 27, and supplementing my despatch number 220, April 12. The President has suspended for sixty days prohibition against Chinese immigration. During the time consular certificates are accepted many hundreds of Chinese are arriving.

GONZALES.

File No. 837.55/28.

The Secretary of State to the Chinese Minister.

No. 69.] DEPARTMENT OF STATE,
Washington, April 20, 1915.

SIR: For your information and guidance I have the honor to enclose herewith paraphrase of a telegram dated April 17 to the Department from the American Legation at Habana, Cuba, on the subject of the suspension for sixty days of the prohibition against Chinese immigration into that country.

In this connection the Department desires to inform you that it has received a despatch on this subject from the American Minister at Habana, written prior to the date of the telegram referred to above in which despatch the Minister expresses the opinion that "there is very little prospect of accomplishing anything without the presence of the Chinese Minister."

Accept [etc.]

W. J. BRYAN.

File No. 837.55/29.

The Chinese Minister to the Secretary of State.

No. 68.] CHINESE LEGATION,
Washington, May 13, 1915.

SIR: Referring to your note of the 20th ultimo, in which you were good enough to inform me that the American Minister at Havana, Cuba, succeeded in securing the suspension for sixty (60) days of the prohibition against Chinese immigration into that country, I have the honor to inform you that the period of sixty (60) days above mentioned will expire at the end of this month.

By reason of the urgency of the case, I shall be greatly obliged if you will be kind as to issue fresh instructions to the American Minister at Habana to cooperate with the Chinese Chargé d'Affaires in an effort to induce the Cuban Government to allow the suspending order to remain in force pending the conclusion of a treaty between China and Cuba.

Accept [etc.]

KAI FU SHAH.

File No. 837.55/29.

The Secretary of State to Minister Gonzales.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 17, 1915.

Chinese Legation informs Department that suspension for sixty days of prohibition against Chinese immigration into Cuba will expire end of May.

You are instructed to cooperate with Chinese Chargé d'Affaires in an effort to induce Cuban Government to allow the suspending order to remain in force pending conclusion of treaty between China and Cuba.

Report by telegraph.

BRYAN.

File No. 837.55/29.

The Secretary of State to the Chinese Minister.

No. 73.] DEPARTMENT OF STATE,
Washington, May 18, 1915.

SIR: The Department has received your note of May 13, 1915, in which you request that the American Minister at Habana be instructed to cooperate with the Chinese Chargé d'Affaires there in an effort to prevail upon the Cuban Government to continue in force, pending the conclusion of a treaty between China and Cuba, the order suspending for sixty days the prohibition against Chinese immigration into Cuba.

A paraphrase of a telegram dated May 17, from the Department to the American Minister at Habana on this subject, is enclosed herewith.

Accept [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 837.55/30.

Minister Gonzales to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Habana, May 22, 1915.

Referring to instructions of May 17.

Hearing President was suddenly leaving Capital, I presented case to him in writing and notified Chinese Chargé d'Affaires. This morning a letter from President's secretary conveys President's regret at inability to comply with our wishes. He says:

In view of agreement entered into with the Chinese Chargé d'Affaires a decree was issued April 9 last extending to May 31, the time granted by decree of November 31, 1914, for admission into this country of all those Chinese holding certificates issued by the Chinese Legation of Havana prior to date mentioned allowing them to appear in the list of names sent to the Department of State in accordance with the rules established in the decree of December 31, 1914. Taking into consideration the above facts, His Excellency feels that he can not legally modify the decree in question by granting the concession solicited.

As to the proposed treaty the President promises to give it his special attention.

GONZALES.

File No. 837.55/30.

The Secretary of State to the Chinese Minister.

No. 74.] DEPARTMENT OF STATE,
Washington, May 25, 1915.

SIR: In further reply to your note of May 13, 1915, requesting that the American Minister at Habana be instructed to cooperate with the Chinese Chargé d'Affaires there in an effort to prevail upon the Cuban Government to continue in force, pending the conclusion of a treaty between China and Cuba, the order suspending for sixty days the prohibition against Chinese immigration into Cuba, I have the honor to enclose herewith for your information and guidance, paraphrase of a telegram received by the Department May 22 from the American Minister at Habana relative to this matter.

Accept [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 837.55/31.

The Chinese Minister to the Secretary of State.

No. 72.] CHINESE LEGATION,
Washington, June 12, 1915.

SIR: I have the honor to acknowledge the receipt of your notes of the 18th and 25th ultimo, in which you are good enough to inform me of the result of an effort made by the American Minister at Havana, in cooperation with the Chinese Chargé d'Affaires there. to prevail upon the Cuban Government to continue in force, pending the conclusion of a treaty between China and Cuba, an order suspending for sixty (60) days the prohibition against Chinese immigration into Cuba.

While noting with deep regret the refusal on the part of the Cuban Government to comply with the suggestion presented by the American Minister under instructions from your Department at the request of this Legation, I take this opportunity to express to you my sincere thanks for the valuable assistance and cooperation given to the Chinese Chargé d'Affaires at Havana as well as to myself by your Department and by the American Minister at Havana in this endeavor to obtain relief for all Chinese resorting to Cuba.

Accept [etc.]

KAI FU SHAH.

DENMARK.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND DENMARK.

Signed at Washington, April 17, 1914; ratification advised by the Senate, September 30, 1914; ratified by the President, January 14, 1915; ratified by Denmark, November 21, 1914; ratifications exchanged at Washington, January 19, 1915; proclaimed, January 20, 1915.

Treaty Series No. 608.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty between the United States of America and Denmark looking to the advancement of the cause of general peace was concluded and signed by their respective Plenipotentiaries at Washington, on the seventeenth day of April, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and Danish languages, is word for word as follows:

The United States of America and His Majesty the King of Denmark being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose and to that end have appointed as their plenipotentiaries:

The President of the United States: The Honorable William Jennings Bryan, Secretary of State; and

His Majesty the King of Denmark: Mr. Constantin Brun, His Chamberlain and Envoy Extraordinary and Minister Plenipotentiary to the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties agree that all disputes between them, of every nature whatsoever, which diplomacy shall fail to adjust, shall be submitted for investigation and report to an International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and report.

ARTICLE II.

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments. It is understood that the fifth member of the Commission shall not

be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed within four months after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Unless otherwise agreed between the parties the procedure of the International Commission shall be regulated by the prescriptions contained in the Convention signed at The Hague on October 18, 1907, for the peaceful settlement of international disputes, Chapter III.

ARTICLE III.

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, act upon its own initiative, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall extend the time by mutual agreement. The report shall be prepared in triplicate: one copy shall be presented to each Government, and the third retained by the Commission for its files.

ARTICLE IV.

The High Contracting Parties agree that, upon the receipt of the report of the International Commission as provided in Article III, they will immediately endeavor to adjust the dispute directly between them upon the basis of the Commission's findings. The High Contracting Parties, however, reserve the right, independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE V.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Denmark.

The ratifications shall be exchanged at Washington as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties shall have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in duplicate in the English and Danish languages at Washington this 17th day of April, in the year 1914.

WILLIAM JENNINGS BRYAN [SEAL.]
C. BRUN [SEAL.]

And whereas the said Treaty has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the nineteenth day of January, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twentieth day of January in the year of our Lord one thousand nine hundred and fifteen,
[SEAL.] and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.

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DOMINICAN REPUBLIC.

POLITICAL AFFAIRS.[1] REVOLUTIONARY MOVEMENTS; ATTITUDE OF THE UNITED STATES.

File No. 839.00/1658.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, January 9, 1915.

President Jiménes is threatened with trouble which may take formidable proportions in the near future. Horacista party for more than a week past has been assailing the Government with blackmailing; and Arias, Minister of War in Jiménes' cabinet, has already made Jiménes pay tribute from his personal resources. Arias now threatens to join forces with the opposition; and this morning he offered his resignation to the President. The reason for resignation of Aries, as given by President Jiménes is, first, that Arias objects to American influence; and, further, that the President refuses Arias a free hand in running the Government according to Arias' standards. President Jiménes finds great difficulty in the situation and asks for Legation's advice and support. He has resisted Arias' demands to control appointments. Jiménes asks further in the present difficulties to delay the reforms sought by us.

SULLIVAN.

File No. 839.00/1660a.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 12, 1915—8 p. m.

You may say to President Jiménes that this Government will support him to the fullest extent in the suppression of any insurrection against his Government. The election having been held and a Government chosen by the people having been established, no more revolutions will be permitted. You may notify both Horacio Vásquez and Arias that they will be held personally responsible if they attempt to embarrass the Government. The people of Santo Domingo will be given an opportunity to develop the resources of their country in peace. Their revenues will no longer be absorbed by graft or wasted in insurrections. This Government meant what it said when it sent a commission there with a proposal looking to permanent peace and it will live up to the promises it has made. Reasonable

[1] Continued from For. Rel. 1914, pp. 193–261.

delay in carrying out the proposed reforms is not objectionable but the changes advised are the reforms necessary for the honest and efficient administration of the Government and the early and proper development of the country. There should be no unnecessary delay therefore in putting them into operation. Keep us advised. A naval force will be sent whenever necessary.

BRYAN.

File No. 839.00/1663.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, January 27, 1915.

President Jiménes informs me confidentially that Feliu, governor of Puerto Plata, has refused to obey instructions and threatens resistance to installation of Government appointees. President Jiménes is going to remove Feliu and expects trouble. There is indication of dangerous activity on the part of Vidal. Dominican Government intends to deal with these difficulties one after the other. If it is practicable President Jiménes requests United States ship *Castine* be sent to Puerto Plata. Dominican Government feels unprotected under the new policy of reduction of military forces in compliance with Department's advice to the effect that same will not be needed in the future.

SULLIVAN.

File No. 839.00/1663.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1915—7 p. m.

Answering your January 27. You are instructed to support the President in enforcing his orders for removal of governor of Puerto Plata and for resistance to Vidal's activities. Navy Department has been asked to send ship *Castine* to Puerto Plata.

BRYAN

File No. 839.00/1668.

Minister Sullivan to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, February 1, 1915—11 a. m.

The Dominican Government intends to forcibly eject the governor, also the military commandant of Puerto Plata, as both refuse to vacate except upon terms which the Government refuses. The governor of Puerto Plata has censored the Dominican Government's messages sent by French Cable Co. Dominican Government today requested that State Department allow sufficient funds to suppress successfully the threatened resistance. The Dominican Government

urges that the trouble is purely local and should be suppressed by its own military forces rather than by American forces. Legation is asked to transmit by consular code Dominican Government's message to its officials of Puerto Plata.

Dominican Government requests thirty thousand for munitions of war and one thousand daily for fifteen days.

I am convinced that should uprising at Puerto Plata be permitted without interference from us it would encourage the belief that the old revolutionary methods could be again employed with impunity. Please instruct.

SULLIVAN.

File No. 839.00/1669.

AMERICAN LEGATION,
Santo Domingo, February 2, 1915—11 a. m.

I learn that present trouble in Puerto Plata is to determine whether the professional revolutionist need fear American suppression. I recommend prompt and vigorous suppression of this disturbance by the Department. I believe that any hesitation to keep our promise of peace to the Dominican Republic will mean another general revolution.

SULLIVAN.

File No. 839.00/1668.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 2, 1915—5 p. m.

Answering your February 1, 11 a. m. Agree with you that it is necessary to let insurrectionists know at the very beginning that this Government will support Jiménes and furnish all the force necessary to enable him to maintain order and administer the Government. It is advisable, however, that Santo Domingo officials make the demand, so that our force will support Government, rather than take the initiative. Indications as you report them point to the beginning of another revolution unless immediate action is taken. Please advise Jiménes as follows and report his views with your own recommendations:

As at present informed, we advise that President Jiménes send immediately as many soldiers as his vessels will transport to Puerto Plata. Dominican Minister estimates this number at six hundred and fifty. Have troops land at convenient distance, then have commander of American ship accompany Jiménes's representative when he makes demand for surrender of the offices, American commander to notify the insurgent officials that this Government will support President Jiménes with any force necessary to suppress insurrection. If this does not compel surrender of offices, consult President Jiménes and advise us as to further requirements. We deem it unwise to authorize the thirty thousand dollars and one thousand dollars per day as requested, but will make allowance necessary for proposed expedition and decide on further allowance if above suggestion, when carried out, does not end insurrection.

BRYAN.

File No. 839.00/1670.

Minister Sullivan to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, February 3, 1915—11 p. m.

Answering your February 2, 5 p. m. President Jiménes accepts your advice as to plan of campaign against an insurrection in Puerto Plata. Equipment of forces begins at once. President Jiménes states that the Dominican Government cannot entertain proposal from the insurrectionary leaders to turn over government to a commission on condition that Feliu and Pegero receive salaries for time when both were in rebellion against Bordas Government. Aside from the humiliation of the proposal to disregard the existing Government the insurrectionary leaders would set aside the rule laid down by the Department, namely: No money for revolutionists. Please give the instructions for the allowance necessary to equip expedition as initial expenses will be several thousand dollars. Dominican Government asks that American Government instruct commander of gunboat at Puerto Plata according to terms of your February 2, 5 p. m. I believe plan proposed by you meets the situation.

SULLIVAN.

File No. 839.00/1674.

AMERICAN LEGATION,
Santo Domingo, February 8, 1915—8 a. m.

Rebellious Puerto Plata officeholders have agreed to turn over offices to the Dominican Government. President Jiménes has ordered suspension of military movement toward Puerto Plata.

SULLIVAN.

File No. 839.00/1674.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 9, 1915—4 p. m.

Your February 8, 8 a. m. We are pleased to learn of peaceful termination of controversy between Puerto Plata and President Jiménes.

BRYAN.

File No. 839.00/1657.

Minister Sullivan to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, February 9, 1915—10 p. m.

Peace prevails at Puerto Plata. Government officials installed. Dominican Government expresses appreciation of helpful assistance given by Commander of *Castine*.

SULLIVAN.

File No. 839.00/1682.

AMERICAN LEGATION,
Santo Domingo, March 25, 1915—10 a. m.

I believe highly desirable that a gunboat be at this city as soon as possible.

SULLIVAN.

File No. 839.00/1682.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 27, 1915—1 p. m.

Your March 25, 10 a. m. Navy Department has directed fleet commander in chief send gunboat Santo Domingo City.

BRYAN.

File No. 839.00/1684.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, April 8, 1915—10 a. m.

Political plot under way here to impeach President Jiménes on the charge that he failed to act in carrying out congressional resolution to remove Johnston and on further charges of frivolous nature made against Velásquez, Minister of Fomento; both charges aimed at American influence here. Constitution provides that majority of both Houses can impeach President. Upon such vote President ipso facto loses executive power and election of new president must follow by Congress. Vidal and Arias supporting plot, with the Horacistas assisting. This plan offers malcontents a way to upset the Government without resorting to revolution. Arias is the candidate for the presidency, supported by members of Legislature who desire to shake off restrictions on looting of Government funds. Several secret meetings have already been held and certain members of Cabinet are said to sympathize with the project. I recommend that politicians be given to understand that Jiménes cannot be impeached for good faith with us.

SULLIVAN.

File No. 839.00/1684.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 9, 1915—7 p m.

Answering your April 8, 10 a. m. you may say to President Jiménes and to those connected with the plot that this Government will not permit any attack to be made upon President Jiménes for

acting in good faith toward the United States. Notify the plotters, as you have opportunity to do so, that President Jiménes, having been chosen President by the people, is entitled to and will receive from this Government, any assistance that will be necessary to compel respect for his administration. This support will be given whether the attacks made upon him are direct, or indirect, open or in secret.

BRYAN.

File No. 839.00/1686.

Minister Sullivan to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, April 15, 1915—noon.

Your instruction of April 9, 7 p. m has been followed; in consequence better situation exists.

SULLIVAN.

File No. 839.00/1687.

AMERICAN LEGATION,
Santo Domingo, April 18, 1915—11 p. m.

Dominican Government advises that the Horacista party is secretly preparing to start a revolution immediately. The pretext will be a failure of Dominican Government to keep its pledges to hold a constitutional convention for reforms. Dominican Government requests immediate advance $30,000 for preparations. Dominican Government anxious to suppress expected revolution themselves without calling for open assistance of the United States until assistance is absolutely necessary. Munitions of war should be purchased and money expended under observation of the United States. I believe the Department should take positive action at the outset of any actual break to convince revolutionists American Government will itself suppress revolts. Opposition do not believe American Government will interfere notwithstanding all assertions by us. This crisis has solidified Dominican Cabinet for the present.

SULLIVAN.

File No. 939.00/1687.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 20, 1915—2 p. m.

Answering your April 18, 11 p. m. It is not wise to authorize the expenditure of additional money for military purposes. Unless this Government assists the Jiménes Government the insurrection would be likely to spread, reviving the old conditions of lawlessness. As our Government must furnish assistance it would be better to do so at once and thus save the Jiménes Government needless expense.

You will therefore advise President Jiménes to demond the resignation of Arias and any other members of the Cabinet who are conspiring with the insurrectionists. Also advise him to arrest these conspirators at once if they attempt to interfere with the orderly administration of his Government. You will see these revolution leaders also and notify them that this Government will hold them personally responsible for any attempt which they make to interfere with the Government whether that attempt is made by them directly or through their supporters. This Government meant what it said when it declared that it would tolerate no more insurrections in Santo Domingo and it will furnish whatever force may be necessary to put down insurrections and to punish those guilty of exciting or supporting insurrections.

BRYAN.

File No. 839.00/1692.

Minister Sullivan to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, April 24, 1915—11 a. m.

Your April 20, 2 p. m. Dominican Government urge that even if American Government takes initiative in the event of insurrection Dominican Government still should have sufficient munitions of war for temporary defense in interior and asks that $12,000 be advanced for this purpose.

Situation at present, thanks to a general belief that Department means business, is better than it has been in years and I believe Department should adhere to position taken in regard to money. At least there should be no change made until necessity for change becomes more apparent.

SULLIVAN.

File No. 839.00/1698.

AMERICAN LEGATION,
Santo Domingo, May 5, 1915—10 a. m.

Ovendo leading small body against Government in Macoris. Trouble as yet local.

SULLIVAN.

File No. 839.00/1699.

AMERICAN LEGATION,
Santo Domingo, May 6, 1915—noon.

President Jiménes has issued proclamation to governors for people that any revolutionary movement based on alleged desire for reforms is mere pretext as the Government favors just reforms and will be guided by congressional action. He calls upon Congress to enact economical budget as first reform. Trouble in Macoris reported subsiding.

SULLIVAN.

File No. 839.00/1700.

AMERICAN LEGATION,
Santo Domingo, May 8, 1915—noon.

President Jiménes informed me today that Government anticipates several small disturbances as forerunner of revolution. He added that steps are being taken to apprehend leaders and arrests will be made today.

SULLIVAN.

File No. 839.00/1700.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 10, 1915—6 p. m.

Answering your May 8, noon. Keep in touch with Government and render it all possible assistance in the suppression of disturbances. Will ask Navy Department to give necessary instructions.

BRYAN.

File No. 839.00/1701.

Minister Sullivan to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, May 12, 1915—10 a. m.

Your May 10, 6 p. m. Ovendo's band defeated and scattered. Dominican Government vigilant and taking rigorous measures. Although on the surface peace reigns activities of the Government has created tenseness and the President confidentially informs me cartridges exhausted and urges point made by him in my telegram of April 24, 11 a. m. Request for munitions instead of money would seem to indicate sincerity and believe it should be granted.

SULLIVAN.

File No. 839.00/1704.

AMERICAN LEGATION,
Santo Domingo, May 14, 1915—11 a. m.

Horacista Bonneti shot and killed General Ricart, chief of the President's bodyguard, yesterday afternoon. As a result, political feeling runs high. Bonneti is cousin of Tejera who, with Vidal, shot Cáceres.[2]

SULLIVAN.

File No. 839.00/1708.

AMERICAN LEGATION,
Santo Domingo, May 26, 1915—9 a. m.

Constitutional convention, incomplete membership of which elected last October, is being urged by opposition to meet on the day fixed, June 1. Government in favor of election of new constitutional convention to meet next February or reconvening of

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[2] See For Rel. 1911, p. 174.

Bordas constitutional convention elected December, 1913. Opposition claims foregoing plan proposes defeat of any reforms.

SULLIVAN.

File No. 839.00/1709.

AMERICAN LEGATION,
Santo Domingo, May 26, 1915—3 p. m.

I am happy to inform you that Department's policy is finally understood and accepted here. A canvass of the leaders of all factions and parties reveals a consensus of opinion that revolution is no longer a means of power in this country because of your attitude. President Jiménes coincides with this opinion and believes that a long period of unprecedented prosperity is at hand.

SULLIVAN.

File No. 839.00/1713.

Chargé Johnson to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, July 7, 1915—6 p. m.

President Jiménes informed me today that former Governor Feliu of Puerto Plata with a force of men, number unknown, has gone to the bush against the Government in that province; that the opposition is prepared for revolution in other provinces and other outbreaks likely; that the Government can overcome Puerto Plata uprising but Government forces limited; that he has no proof against Arias but that unless he changes his activities the President will dismiss him soon; that if impeachment of the President is attempted, as in such event would be likely by Congress which is controlled by Arias and opposition, he will take matters into his own hands; that Arias is the cause of the trouble with Congress over budget and greatest stumbling block of the Government.

As to Arias I ventured to repeat assurances of the Department heretofore given (your January 12, 8 p. m., April 9, 7 p. m., and April 20, 2 p. m.) but it was evident that the President desires reassurance from the Department in view of hinted assumption of dictatorship in case of attempted impeachment. It might be suggested to the President that Congress constitutionally expires on July 27 and if he is on the point of being voted out of office before that time he could then assume dictatorship. There is no just cause for impeachment.

Believe the United States should be prepared to land expeditionary force the moment it becomes evident Government cannot promptly put down uprising or that it is spreading. The President made no request in the premises.

JOHNSON.

File No. 839.00/1714.

AMERICAN LEGATION,
Santo Domingo, July 9, 1915—8 a. m.

Party of armed men have gone to bush from Macoris and small party got away from here. Leonte Vasquez, brother of Horacio,

has recently returned from the United States and is in Puerto Plata. Vidal thought to have left New York City on the *Iroquois* but if not his activities in New York should be investigated with a view to arrest. The Government has made a considerable number of arrests here and in Puerto Plata of conspirators against the public peace. Enforced enlistment for the army also rigorously proceeding. The Dominican gunboat *Independencia* has left for northern points. Censorship on cables and telegraph.

JOHNSON.

File No. 839.00/1715.

AMERICAN LEGATION,
Santo Domingo, July 14, 1915—8 a. m.

Referring to my cable of July 9, 8 a. m. Situation not improved. Government taking energetic measures and shipping munitions and men to various points. Macoris armed bands had been committing depredations. President Jiménes and some of the opposition leaders insist people of this country want peace and that disorderly element alone taking advantage of situation. Arrests and enforced enlistments are causing departure to the bush here and elsewhere and wholesale arrests are considered necessary. Significant thing is that already heavy inroads on funds appropriated for other purposes have been made for war operations. President seems determined at all costs to compel order. Feliu not yet decisively defeated.

President intimated yesterday afternoon without any suggestion from me that presence of American war ship here and one in Puerto Plata would be of great assistance to the Dominican Government, but distinctly stated that he made no request. In view of the source of suggestion believe this form of aid to Government should be first tried and at once.

JOHNSON.

File No. 839.00/1714.

The Secretary of State to Chargé Johnson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 16, 1915—4 p. m.

Your July 9, 8 a. m., July 14, 8 a. m. Bring Department's April 9, 7 p. m. emphatically to the attention of opposition leaders, especially Arias, informing them that in the event of the necessary landing of troops to preserve order they will be held personally responsible by this Government for previous disorder. Inform President that as Department will enforce policy of above telegram with strictness, his assumption of dictatorship not desirable unless impeached, as suggested in your July 7, 6 p. m.

Protest strongly against diversion of funds as contrary to the convention, and state that the Department will be very slow to accept political conditions as reasons for future advances to cover these diversions.

Also point out that this Government has given every evidence of its interest in Santo Domingo's orderly development and of its willingness to assist the Jiménes Government by advice, by concessions, by advances of funds. That this Government is greatly dis-

tressed at spread of present disorder which may now require this Government to fulfill the assurance given under the Department's instruction of April 9, 7 p. m. and therefore hopes that the representations to be made by you under this instruction to the opposition leaders will enable the President to prevail upon the political sense of the opposition in order to establish quiet.

The Department endorses the suggestion contained in the last paragraph of your telegram under acknowledgement and has requested that the *Nashville* now at San Juan, be immediately ordered to proceed to Santo Domingo City and that upon her arrival her captain to confer with you.

LANSING.

File No. 839.00/1720.

Chargé Johnson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, July 22, 1915—5 p. m.

In compliance with your instructions dated July 16, 4 p. m. I have talked plainly with Arias and three of his leaders in a friendly manner as well as one Vidal leader. Vidal was arrested on his return here and is a prisoner. I also despatched a telegram to Horacio Vasquez at Moca and sent similar telegram to each American consular representative in this country with instructions to bring telegram to attention of proper persons and anticipating Vasquez telegram might be inaccurately published by recipient I ventured to give a copy to press myself as an open letter to leader of opposition. Telegram is a combination of excerpts from "Wilson plan", your April 9, 7 p. m., and your July 16, 4 p. m. Publicity has the approval of Government. President now acquiesces in your views as to dictatorship. Government has not revealed to me definite plan as to Arias but with arrival recently of Enrique Jiménez some change in the Ministry imminent after adjournment of Congress.

Have made both verbal and written protest against diversion of funds. Administration of army and republican guard inefficient and wasteful but impossible to determine yet the ability of the Government to cope with situation as its seriousness not yet fully gauged nor effect yet known carrying out your instructions will have. Important leaders have announced stand against revolution and situation improved Puerto Plata; more serious in East. No doubt however of magnitude and wastefulness of suppressive effort already made and of considerable disorganization of Government finances which will result even if disorders abate.

JOHNSON.

File No. 839.00/1731.

Chargé Johnson to the Secretary of State.

[Extract.]

No. 189.] AMERICAN LEGATION,
Santo Domingo, July 22, 1915.

SIR: Referring to your cable dated July 16, 4 p. m., and to my reply dated July 22, 5 p. m., in reference to the disorders that have

occurred and the efforts of the Government to suppress them, I have the honor to inclose herein copy of the open letter I telegraphed to Horacio Vásquez at Moca, to all the American Consuls and Consular Agents in this country, and which I gave to the press.

I also inclose copy of a note I directed to the Foreign Office under to-day's date, embodying the protest I was instructed to make in reference to diversion of funds. I ventured to embody in this note portions also of the instructions contained in your January 12, 8 p. m. and April 20, 2 p. m., which had not previously been conveyed in writing and which I considered had an intimate connection with the protest against the diversion of funds to put down the disorders. Of course even without directly calling attention to the desire of the United States to itself suppress disorders which would otherwise require extra-legal expenditures by the Dominican Government, the remedy of that Government, in the face of our protest, should be obvious to them. * * *

The protest against the diversion of funds should have a good effect in another direction in that, if the Government, as a great many well-informed people believe, because of the extraordinary opportunities for graft in the largely increased expenditures of money for rations and supplies, presented by disturbances in scattered portions of the country, has encouraged, or provoked the outbreaks by arrests and threatened arrests, to escape which many join outlaw bands, that Government will now, in view of the protest by the United States, hesitate to continue in its course and take measures to see that officials in the provinces, who among others would profit by it, are also restrained.

The Jiménes Government since the return of the commission from Washington appears to be in a somewhat more yielding mood than heretofore and the present time, in view of the concessions obtained by the Government from Washington, would appear to be a good time to urge reforms, in case intervention shall not prove to be necessary during the present disturbances.

I have [etc.]

STEWART JOHNSON.

[Inclosure 1—Translation.]

Chargé Johnson to Horacio Vásquez and to the leaders of the opposition.

AMERICAN LEGATION,
Santo Domingo, [not dated.]

As you are aware, under the Wilson Plan the United States has pledged its word to the world as the nearest friend of the Dominican Republic to support the Government elected by the people and to insist that revolutionary movements cease and that all subsequent changes in the Government of the Republic be effected by the peaceful processes provided in the Dominican Constitution.

President Jiménes having last October been chosen President by the people under the Wilson Plan, he will receive from the United States any assistance necessary to compel respect for his administration.

The United States is greatly distressed at the spread of the present disorders which may now require that Government to fulfill the assurances given to the world and to the Dominican people; and I have been instructed by the United States Government to call to the attention of the leaders of the opposition not only the foregoing, but also that, in the event of the necessary landing of troops to enforce order and respect for the choice of the people as President, those leaders who are or may be actually engaged in, or are secretly encouraging the disorders will be held personally responsible by the United States.

You as the leader of a great party can do much for your country by continuing to stand firm and to act upon your announced opposition to revolution and by so advising your associates.

STEWART JOHNSON.

[Inclosure 2.]

Chargé Johnson to the Secretary for Foreign Relations.

No. 167.] AMERICAN LEGATION,
Santo Domingo, July 22, 1915.

EXCELLENCY: Confirming the representations I had the honor to make verbally to your excellency and to the President in our interview of the 19th inst., in compliance with instructions from my Government received by telegram on that day, I desire now, in writing, to again protest strongly against any diversion of funds under the law, whether already made or about to be made by your excellency's Government, that is to say, by spending in excess of the amount provided by law for the expenses of the Executive, or of the Departments of Interior and of War and Navy, and by drawing for the excess upon the amounts provided by law for other departments, as being an increase of the public debt in violation of the Convention of 1907.

The Department of State of the United States will be very slow to accept political conditions as reasons for future advances to cover these diversions.

I am also instructed to point out that the American Government has given every evidence of its interest in the Dominican Republic's orderly development and of its willingness to assist the present Government by advice, by concessions made to it and by advances of funds before they were strictly due; and this Legation has also indicated under previous instructions received by it that President Jiménes may count on the full support of the United States Government in putting down any revolution brought against his Government and that as long as the American Government must furnish aid it would be better to save the Dominican Government needless expense by giving to it the assisance of all necessary forces to put down any revolution or any conspiracy aimed at impeding the orderly administration of that Government.

I avail [etc.]

STEWART JOHNSON.

File No. 839.00/1723.

Chargé Johnson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, July 26, 1915—3 p. m.

Nashville arrived 23d. Country quiet on the surface except Macoris and La Romana. News just received that rebels took latter town yesterday sacking it and destroying customhouse records and left going towards Macoris. Government has despatched more troops but preferred *Nashville* to remain here where Government sees possibilities of trouble.

JOHNSON.

File No. 839.00/1720.

The Secretary of State to Chargé Johnson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 27, 1915—5 p. m.

Action reported in your July 22, 5 p. m., is commended. In view of the latest evidence of this Government's friendly interest the De-

partment confidently hopes for an early cessation of all disorders and expects that diversion of funds will not be repeated. To this end you should continue to impress upon the Government of President Jiménes the necessity for a conservative and careful disbursement of revenues.

LANSING.

File No. 839.00/1737.

Chargé Johnson to the Secretary of State.

No. 193.] AMERICAN LEGATION,
Santo Domingo, July 30, 1915.

SIR: Referring to my despatch No. 189, dated July 22, 1915, I have the honor to enclose herein copy and translation of a telegram from Horacio Vásquez, leader of the Horacista party, in reply to my telegram to him, copy of which I enclosed in the despatch. It will be seen that he practically admits the right of revolution for violation of the law by the Government and infringement of personal rights, neither of which things were done by this Government until after the disorders started and an incipient revolution had to be dealt with.

I also enclose copy and translation of the reply to my note of protest against the diversion of funds, copy of which I enclosed in the despatch referred to above. I have reason to believe that the note was written for internal political purposes alone as the President has never dissented from verbal suggestions of armed aid either before or since the note was written, and he stated to me yesterday that, in spite of the demands of the opposition press that he make a vigorous reply to the hint of intervention in my telegram to Vásquez, he would not do so.

As for the statement in the Dominican Government's note that the budget has not been exceeded, it is in contradiction of what the President himself had said to me on two occasions, and at best is technically true only; for example, the entire credit provided in the budget for the fiscal year from July 1, 1915, to June 30, 1916, may not yet have been exceeded.

I have [etc.]

STEWART JOHNSON.

[Inclosure 1—Translation.]

Horacio Vásquez to Chargé Johnson.

MOCA, *July 26, 1915.*

AMERICAN MINISTER: Your telegram received. I believe that not by means of threats but through tried and respected institutions will the country obtain a lasting peace. The threats and conduct of Minister Sullivan in support of the indefensible administration of Bordas contributed not a little to one of our most disastrous wars. Moreover, I do not believe that President Wilson has the right, under any pretext, to violate the sovereignty of an independent people. I am pledged to the cause of peace and shall remain unalterably firm, as I said to Senator Castro in my published telegram; but I believe that respect for personal liberty and for the laws by the Government is indispensable in order to obtain the so greatly desired end.

HORACIO VÁSQUEZ.

[Inclosure 2—Translation.]

The Dominican Foreign Office to Chargé Johnson.

No. E/E. 360.]

FOREIGN OFFICE,
Santo Domingo, July 23, 1915.

MR. CHARGÉ: I acknowledge receipt of your polite note No. 167 of yesterday's date confirming the representations which you made to His Excellency the President of the Republic in my presence on the afternoon of the 19th instant.

I have been specially charged by the President of the Republic to express to you that the Dominican Government without going outside the limits of the present budget has succeeded in meeting the expenses necessary for the reestablishment of public order, disturbed a few days ago.

The interest which your Government has in aiding in the maintenance of order in this Republic might well consist merely in appraising the efficiency of the rapid measures taken for its financial rehabilitation which, if they had not been taken, would have resulted in an increase of the evils, necessitating much greater economic sacrifices and leaving in a state of complete failure the plan of organization under which gradually the different branches of the public service were becoming more efficient.

I am also charged to express to you that the Dominican Government believes that its forces are sufficient to reestablish public order each time it is disturbed, and that it therefore has no need of the spontaneous aid to that end offered by the American Government, thus avoiding in addition the sacrifice of American lives in our international conflicts.

Moreover, the Dominican Government thinks that any such measures might have the effect of causing national sentiment, urged on from interested sources, to convert the assistance into a situation of hostility before the American forces.

I avail [etc.]

B. PICHARDO.

File No. 839.002/26.

Chargé Johnson to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Santo Domingo, August 17, 1915—3 p. m.

Perez Perdomo, able Minister of Finance, resigned today and Minister for Foreign Affairs not yet chosen. Old age and feeble health of President Jiménes and dislike of burdens of office together with intrigues for the presidency of both Arias and Velasquez within and of Vásquez without the Government makes conditions uncertain and fraught with danger of situation arising here in case of death or resignation of Jiménes somewhat similar to Haitian upon the death of President there. Think it would be advisable to have constantly within short sailing distance from here a United States vessel and ample force of marines or perhaps Porto Rican regiment ready for immediate service.

While conditions with respect to armed uprisings are improving political and financial conditions are far from satisfactory. Perdomo resignation decided loss to honest government. Velasquez still in interior treating with the revolutionist Feliu.

JOHNSON.

File No. 839.00/1740.

The Secretary of State to Chargé Johnson.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, August 23, 1915—5 p. m.

Your August 17, 3 p. m. U. S. S. *Marietta* being despatched Santo Domingo City.

LANSING.

File No. 839.00/1744.

DEPARTMENT OF STATE,
Washington, September 2, 1915—4 p. m.

Since Department's August 23, 5 p. m., *Marietta* has been detailed for duty with forces under Admiral Caperton. In view of great importance of work now being performed by Navy in Haiti this Department hesitates to request withdrawal of any unit under his command. If presence of *Marietta* is absolutely necessary she will be detailed for Santo Domingo. In view of shortage of naval units request will only be made for *Marietta* if you recommend it, after a careful consideration of the situation in Santo Domingo.

LANSING.

File No. 839.00/1746.

Chargé Johnson to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, September 3, 1915—2 p. m.

Your September 2, 4 p. m. Presence of United States ship and marines in Haitian rather than Dominican waters subject to duty here in case of necessity coincides with recommendation intended to be conveyed in my telegram August 17, 3 p. m.

JOHNSON.

File No. 839.00/1747.

AMERICAN LEGATION,
Santo Domingo, September 4, 1915—10 a. m.

Principal rebel chiefs Macoris, among them Calcaño who destroyed records of and looted customhouse La Romana, have made terms with Government whereby, so I am informed reliably, they are promised road building contracts and appointment of district rural police whose salaries under the law are paid by same sugar estates whom chiefs had robbed. They are also given personal guaranties and Calcaño himself is now at liberty in this city, also I am reliably informed that followers of these chiefs continue under arms in the interior Macoris. Besides the disorders Sanchez, an important leader in this province, envious of terms granted Macoris leaders has repudiated his peace agreement and started trouble at Bani.

Enrique Jiménez who negotiated terms reported to have frankly admitted to sugar estates inability of Government to cope with situation and to have suggested paying half of cost of new rural guard under American which suggestion repelled by sugar estates owing probable failure of Government to pay its half.

There is still no prospect of important military move except perhaps against Feliu. Developments of last few days reveal inconceivably weak and temporizing policy. Doubtful if, even with arrival today of munitions, anything will be accomplished towards restoring order. The Government's finances are badly disorganized, its forces as inefficient as ever, and its policy an inducement to take the field.

Present condition of affairs warrants serious consideration of our rights in the light of following documents: Memorandum of Department for Fort Commission dated August 10, 1914,[3] published here known as "Wilson Plan"; policies of Department embodied in Legation's telegram to Vasquez, published here; and formal protest regarding diversion of funds, contained in note to Foreign Office (see my despatch No. 189 dated July 22). In any event I cannot emphasize too strongly my conviction that we should make no further advances or concessions of any kind to the Dominican Government under the convention, except on terms (see my despatch No. 200 dated August 26 [4]) in spite of fact that our firmness might result in decided increase of present revolutionary movement. Under present conditions, money would be wasted without accomplishing any permanent improvement.

JOHNSON.

File No. 839.00/1752.

AMERICAN LEGATION,
Santo Domingo, September 16, 1915—9 p. m.

My September 4, 10 a. m. Calcaño has rejoined followers and made attack on Macoris, killing eight and then withdrew. Batista at Boca Chica attacked revenue cutter, stripped it, wounded captain, a notable, and one sailor, and captured Government commissioner sent to treat with him. Several small revolutionary bands operating Azua and bands this province still at large. Have no news re conditions Sanchez and Puerto Plata.

JOHNSON.

File No. 839.00/1759.

AMERICAN LEGATION,
Santo Domingo, September 21, 1915—10 a. m.

According to Government announcements confirmed from other sources, Feliu and fifty-two followers have surrendered with arms at Santiago and Feliu is to leave first opportunity for abroad. Government has also announced that rebel leaders in east will not be granted guaranties.

JOHNSON.

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[3] See For. Rel. 1914, p. 247.
[4] See Financial Affairs.

File No. 839.00/1737.

The Acting Secretary of State to Chargé Johnson.

DEPARTMENT OF STATE,
Washington, September 23, 1915.

SIR: The Department has received your No. 193 of July 30 last enclosing copies of the telegraphic correspondence which was exchanged between yourself and Horacio Vásquez, leader of the Horacista party.

Your despatch has been read with interest.

I am [etc.]

FRANK L. POLK.

File No. 839.00/1773.

Minister Russell to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, October 22, 1915—5 p. m.

At present I do not fear developments demanding provision for action as found necessary in Haiti. The only fear is that open rupture between Arias and Velasquez might result in serious situation at capital with the President away. Opposition has induced President to call Congress in extraordinary session for next month to pass measures for the relief of financial situation. Will advise you as soon as decree published.

RUSSELL.

File No. 839.00/1778.

Minister Russell to the Secretary of State.

[Extract.]

No. 28.] AMERICAN LEGATION,
Santo Domingo, November 30, 1915.

SIR: I have the honor to call to your attention the practice of the Dominican Government in transporting to Porto Rico not only undesirable revolutionists, but also men charged with common crimes.

I particularly refer to the bandits who attacked revenue cutter *No. 3* some months ago, shooting and very seriously wounding the Captain, J. F. Neilsen. The names of these bandits are Emiliano Rojas, Julio Bonetti and Ramón Batista. The Government assured Mr. Johnson that these men would not be given "safe conduct", but would be prosecuted, yet, in spite of this assurance, "safe conducts" were given to all three, and they were shipped to Porto Rico.

Juan Calcaño, who attacked and looted the customhouse at La Romana, was also sent to Porto Rico with a "safe conduct."

I have brought this matter to the attention of the Government, but no action has been taken as yet to punish these men for the crimes they have committed. A revolution was in progress at the time, and these men, although operating in the name of the revolution, were in reality nothing more than marauding bandits.

I suggest that the Porto Rican authorities keep a strict watch on the men in question so that they could be easily found, if any action is taken here looking to their punishment.

I have [etc.]

WILLIAM W. RUSSELL.

FINANCIAL AFFAIRS.[5] DOMINICAN OBJECTION TO THE FINANCIAL ADVISER; ATTITUDE OF THE UNITED STATES. COMMISSION SENT BY THE DOMINICAN GOVERNMENT TO THE UNITED STATES. APPOINTMENT OF EMPLOYEES OF THE CUSTOMS SERVICE.

File No. 839.51/1474

The Secretary of State to the Dominican Minister.

DEPARTMENT OF STATE,
Washington, January 9, 1915.

MY DEAR MR. MINISTER: I have the honor to transmit herewith for your consideration a memorandum in which attention is most respectfully called to certain political and financial conditions now existing in the Dominican Republic and suggesting the adoption of some reforms which, if put into operation, will aid materially in securing permanent peace and prosperity in that country.

It is earnestly hoped that you may find it convenient to call at the Department at an early date in order that this important matter may be discussed with you personally. An expression from you as to the date when a conference with you can be arranged will be appreciated.

I am [etc.]

W. J. BRYAN.

[Inclosure.]

The Department of State to the Dominican Legation.

MEMORANDUM.

The United States desires to assist the Dominican Republic in putting certain needed reforms into operation to insure the peace and prosperity of that country.

First. A decree placing the collection of the internal revenues under the receivership. At the present time the internal revenue is hypothecated for many years in advance, and brings in no revenue to the Dominican Government. It is estimated that from this source the Government should receive approximately two thousand dollars daily, whereas at the present time it is receiving nothing. This Department is informed that revenue stamps can be redeemed at the present time for about ten cents on the dollar, and it is strongly recommended that all hypothecated stamps should be immediately redeemed at the best rate possible.

Second. Official recognition of Charles M. Johnson [Johnston] as comptroller of finances for the Dominican Republic, whose duties shall be: (a) to prepare a budget for the Dominican Republic based upon his knowledge of income and probable expenditures; this budget to be rigidly adhered to; (b) to approve and countersign all payments made by the Dominican Government, it being understood that no payment shall be valid unless countersigned by the comptroller. This reform is really essential if the finances of the Dominican Re-

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[5] Continued from For. Rel. 1914, pp. 193–261.

public are to be rescued from the deplorable condition in which they are at present. It is estimated that under the present administration of Dominican finances the debt of the country is increasing not less than one thousand dollars daily. It may be of interest in this connection to state that the Chief of the Bureau of Insular Affairs of the War Department, in a communication bearing date of January 4, 1915, reports that, carrying out instructions of this Department of September 15, 1914, October 23, 1914, and December 14, 1914, directing that the general receiver of Dominican customs pay to the Dominican Government the sum of five thousand dollars daily from and including September 1, 1914, and an additional sum of two thousand dollars daily for the period of October 23–31, 1914, inclusive, there have been paid to the Dominican Government sums in excess of the customs revenues properly accruing to that Government as follows:

For September, 1914	$114,194.17
For October, 1914	97,267.98
For November, 1914 (estimated)	58,147.19
For December, 1914 (estimated)	75,000.00
Total (estimated)	344,609.34

The Bureau of Insular Affairs further states that to reimburse the general receiver of Dominican Customs for the excess amounts paid by him to the Dominican Government as aforesaid it was necessary, or it will be necessary, to draw upon the convention fund with the Guaranty Trust Company of New York, and such withdrawals from the convention fund, amounting to $344,609.34, are treated "as advances to the Dominican Government to be paid at a future date." He further suggests the advisability of asking for a ratification by the Dominican Congress of the advances from the convention fund that have been made solely upon Executive request.

Unless Mr. Johnson [Johnston], the recently appointed comptroller of finance, is given such authority as he must have in order to successfully carry on the work for which he has been selected, it will be useless to continue him in the service, and without the supervision of such an officer it is very evident that the finances of the Dominican Republic will continue to drift into an even more deplorable condition.

Third. As the Dominican Government is threatened by no external enemies, the presence of a Dominican army (which is always in an inefficient state of discipline) is regarded as an incentive to disaffected political leaders to start internal revolutions. *As the expenditures of the military establishment amount to nearly fifty per cent. of the total budget,* it is most desirable that President Jiménes issue a decree largely reducing the expense of the army, so that education and public works may receive their just proportion of the public revenues. The United States will be pleased to give President Jiménes any assistance he may desire in reorganizing the police force of the Republic, or in the creation of a constabulary, to take the place of the army and rural guard as now constituted.

Fourth. Amending the contract of Mr. A. J. Collett. It is necessary that clauses III and V of the present contract be amended in order that this official may have proper authority to render the most efficient service to the Dominican Government.

Proposed amendment to Clause III:

The Director General of Public Works shall be removed only for cause, satisfactory proof of which shall be first submitted by the Dominican Government to the Department of State at Washington.

Proposed amendment to Clause V:

The Director shall be given authority to employ and discharge his subordinates, it being understood that in recommending appointees to the Dominican Government preference shall be given to citizens of the Dominican Republic who may be qualified and competent in every way to properly discharge the duties which may be assigned them by the Director General of Public Works.

Fifth. Wireless and land telegraph and telephone systems. It is earnestly recommended that these systems be placed under the control of the Director General of Public Works. This change is recommended in order that the three services may be under one head, which means their most economical administration.

Superintendent of the wireless and land telegraph and telephone systems. The United States Navy Department recommends that these systems be placed

under the direction of an American manager. Mr. Roscoe Kent, an experienced operator, has been selected for this work, and is ready to enter upon his duties when a suitable contract can be agreed upon. The compensation of this officer is to be three hundred dollars, gold, a month, and two hundred dollars traveling expenses, each way, from his home in the United States to Santo Domingo. He is to be allowed thirty days' leave of absence each year, exclusive of the time occupied in traveling from Santo Domingo to New York City and return.

In order to insure an efficient service, it is necessary that the superintendent of the wireless and land telegraph and telephone systems shall be free to employ and discharge all subordinates; and that he shall be removed from office by the Dominican Government before the expiration of his contract only for proven incompetency or for malfeasance in office, and it is extremely desirable that in the event of his discharge written charges should be filed at the American Legation for transmission to the Department of State for its consideration, it being understood that the appointee shall not be removed by the Dominican Government without the approval of the Department of State.

This contract, as well as the one with Mr. Collett, the Director General of Public Works, should be for three years, renewable, however, with the consent of both parties.

File No. 839.51/1473.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, January 11, 1915.

Dominican Government has attempted removal of deputy receivers long in service. Baxter has accepted one, but not others on ground that the political appointments to service without his approval will destroy efficiency. Baxter asks me to lay before State Department wisdom of taking receivership out of politics at once and that Dominican Government recognize civil service rules by receiver for Dominican employees; that no appointments be made in customs service without the consent of receiver, such stand being justified by convention and existing agreement with Jiménes Government. I agree with Baxter's position. Financial expert's statement shows a present deficit from September to January of nearly half a million dollars.

SULLIVAN.

File No. 839.51/1474.

The Secretary of State to Minister Sullivan.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, January 12, 1915—6 p. m.

After conference with the Dominican Minister here we ask you to make the following suggestion to President Jiménes: Internal revenue stamps given away or sold at a big discount will, if used, very much reduce the revenue from internal revenue sources. We advise, therefore, that the President issue a proclamation declaring the old stamps invalid and non-receivable, at the same time offering to redeem outstanding stamps at the price paid for them plus legal rate of interest from date of purchase. This will give internal revenue at once and from the money thus received the old stamps can be redeemed, the burden of proof being upon those presenting stamps for redemption to show the amount actually paid for them.

BRYAN.

File No. 839.51/1473.

DEPARTMENT OF STATE,
Washington, January 15, 1915—2 p. m.

Your January 11. Department approves representations made to President regarding deputy receivers.

Deputy receivers will not of course be allowed to take part in politics. It is advisable to consult Government in regard to new appointments, but faithful and competent deputies should not be discharged on purely partisan grounds. The application of the civil service to the deputy receivers should be recommended to the Government. If, according to convention and existing agreement of Jiménes Government the civil service rules are recognized, the Government will be expected to conform to them.

In view of deficit, impress upon President Jiménes necessity for,

First: Reduction of expenses;

Second: Collection of all internal revenues provided for by law; and

Third: Increase in internal revenue by invalidating of outstanding stamps and selection of new sources of revenue.

The Government should be put upon a self supporting basis at once. It will be moving toward bankruptcy as long as expenditures exceed income.

BRYAN.

File No. 839.51/1483.

The Dominican Minister to the Secretary of State.

[Translation.]

No. 9.] DOMINICAN LEGATION,
Washington, January 20, 1915.

MR. SECRETARY: In compliance with my Government's instructions and in confirmation of what I said to Mr. Bingham at our interview on the 15th of this month, I have the honor to submit to your high consideration the views and purposes of the Dominican Government in the matter of appointing customs officers of the Republic.

President Jiménes understands, and I take pleasure in so saying, that the efficiency of that service must find its main foundation in the most perfect harmony between the Government and the receivership. The Government for its part will not be lacking in interest toward attaining that end.

It is meet that we recall that the high customs officials possess a dual character; as interventors they represent the Government that appoints them; as receivers appointed by the receivership, they represent the receiver general. That dual representative character can only be made possible by agreement between those who grant it.

Other employees in each customhouse do not represent the receivership and, consequently, they are appointed by the President of the Dominican Republic who takes into account not only the political interests of which he is the representative and leader, but also the efficiency of the customs service. It may be that, in the past three years, owing to the baneful conditions that prevailed in the Republic and the successive changes of Provisional Governments, appointments were made that were not satisfactory, but those conditions no

longer prevail and we have to deal with a settled Government that will devote its earnest attention to the organization of all the public services and will not stint its aid to the receiver general for the greater efficiency of the customs service.

In that sense and in evidence of its decided interest in restoring and maintaining a good organization of the customs service, the Government of President Jiménes will not force upon the receivership employees that are objectionable or who are obviously incompetent for the posts to which they may be nominated, but the Government cannot acquiesce in and feels it its duty to oppose the attitude recently assumed by Mr. Baxter, receiver general of customs, who for and by himself conferred upon himself powers that never were wielded by his predecessors, because they belong to the Dominican Government alone. President Jiménes, for the sake of cooperating in the establishment of an able customs department, will give his best attention to such recommendations as may be offered to him by the receiver general, but he will not renounce or relinquish his right to appoint the employees. That right has never been disputed but has always been recognized (see page 23 of the Sixth Annual Report of October 20, 1913, of Walker W. Vick) by the predecessors of Mr. Baxter, who recently declined to recognize it not only by rejecting appointments made by the President of the Republic, but also in issuing regulations by which he establishes, in two paragraphs, civil service rules in the Dominican customs.

The Dominican Government does not dispute the desirability of the system which the receiver general wants to establish but holds that the system will be good when it is valid and not before, that is to say when it is set up by the juridical person and that is competent to do so, and the Government alone is so competent.

Neither can the Government yield to the desire expressed by Mr. Baxter that political considerations shall have no weight in the appointment of customs officers. It is very well for Mr. Baxter to insist upon efficient men being nominated, but it is President Jiménes' duty to reward his friends with offices, and the mere circumstance that an officer has been in the customs service several years does not afford sufficient reason for his retention in office, especially in the case of a person belonging to the opposition who fought President Jiménes at the last elections and whose place may be given to an honorable and competent person.

It is proper to remark that the attitude assumed by the receiver general is not only embarrassing to the administration of President Jiménes but is also openly antagonistic to the purposes of the Department of State. The aid and support that have been repeatedly offered amount to nothing if the officers of the Government of the United States at Santo Domingo strive to obstruct the Government.

The Government of President Jiménes would be very much gratified if Mr. Baxter were instructed through the proper channel not to exceed his powers and to try in that way to preserve the harmony that must exist between the Government and the receivership and if he were directed at the same time to withdraw his civil service regulations which the Government may establish in accord with him.

I renew [etc.]

ENRIQUE JIMÉNEZ.

File No. 839.51/1490.

The Dominican Minister to the Secretary of State.

[Translation.]

No. 14.] DOMINICAN LEGATION,
Washington, February 1, 1915.

MR. SECRETARY: I have the honor to send you herewith a copy of the Gaceta Official No. 2569, of January 2, 1915, which contains the decree[6] dated December 26, 1914, by which President Jiménes forbade the use of the stamps and stamped paper that formed part of the internal revenue of the Dominican Republic.

I respectfully call your attention to the fact that that first step toward the rehabilitation of the internal revenues is taken in accordance with the State Department's suggestions in the memorandum of January 8[9], 1915, and the telegram sent to Mr. Sullivan on the 12th of the same month.

I renew [etc.]

ENRIQUE JIMÉNEZ.

File No. 839.51/1493.

Minister Sullivan to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Santo Domingo, February 9, 1915—9 a. m.

Dominican Congress has refused twice to ratify financial expert's appointment. Politicians show irritation at increasing difficulty in squandering public funds because of financial expert's control.

SULLIVAN.

File No. 839.51/1488.

The Secretary of State to the Dominican Minister.

No. 128.] DEPARTMENT OF STATE,
Washington, February 15, 1915.

SIR: I have the honor to acknowledge the receipt of your note No. 9, dated January 20, 1915, regarding appointments in the service of the receivership of the Dominican Republic.

In this connection your attention is invited to section 1 of the American-Dominican Convention of 1907, as follows:

> That the President of the United States shall appoint a General Receiver of Dominican customs, who, with such Assistant Receivers and other employees of the Receivership as shall be appointed by the President of the United States in his discretion, shall collect all the customs duties accruing at the several customhouses of the Dominican Republic * * *.

This clearly gives to the President of the United States authority to appoint the persons who shall collect all the customs accruing at the several customhouses of the Dominican Republic. It is understood that this construction of section 1 has been uniformly adhered to, though in practice, as will appear, the full authority has not been exercised.

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[6] Not printed.

The first difference in construing this article of the convention arose in 1907 and, taking advantage of the presence in the United States of the general receiver and of the Secretary of Finance of the Dominican Republic, Señor Velasquez, a conference was held in Secretary Root's office. A provisional agreement was reached relative to the appointment of subordinate officials under the receivership at the several customhouses in the Republic. The then Secretary of State agreed that the Dominican Government might name the collectors of customs, provided such appointments were agreeable to the general receiver, with the further proviso that no one of them should continue in the service if the general receiver notified the Government that such a person was not acceptable to the receivership.

This agreement was, from the point of view of the receivership, not satisfactory nor was it indeed ever carried out. The general receiver in April, 1909, complained of failure to carry out this agreement; again, in January, 1910, attention was called to the difficulty of having removed an exceedingly incompetent collector at the port of Santo Domingo. Again, in September, 1910, the general receiver recommended certain administrative reforms affecting the customs personnel, which, as a whole, was reported to be incompetent, the bulk of the appointees being reported to be political favorites, and many of them undesirable.

A similar condition was reported in May of 1911, with reference particularly to the port of Puerto Plata. The change of the Dominican administration at the close of the year 1911 was followed by a controversy with the general receiver over personnel, which continued throughout that administration, and in July, 1912, it was reported that there had been 67 separations from the customs service for various causes, representing 44% of the entire personnel and that competent employees had been dismissed in order to make room for political appointees without experience or training. It is fair to state that many of the removals were made on the ground that the employee was disloyal to the Government, and the fact that such disloyalty existed cannot be questioned.

The difficulty has been, therefore, that the Dominican Government has not been sufficiently interested in the efficiency of the personnel and has desired and has made changes without reference to the efficiency of the service. On the other hand the Dominican personnel has not at all times been loyal to the Government.

In the administration of the customs service it has been the desire of the President to obtain:

First, efficiency in collecting the revenues;

Second, economy in the administration;

Third, the use of the maximum of Dominican employees with a minimum of American employees compatible with the first two objects.

In order to meet the wishes of the Dominican Government, and without waiving the obvious construction of section 1 of the convention, or the power to put it in full effect, if necessary, the Secretary of State in 1907 held that the Dominican Government might name the Dominican customs employees, provided said appointments were agreeable to the general receiver and that no such employee should continue in the service if the general receiver notified the Government that such a person was not acceptable to the receivership.

This was acceptable to the Dominican Minister to the United States and to Señor Velasquez, at that time Minister of Finance of the Dominican Government. This agreement was frequently ignored by the Dominican Government.

Desiring, however, to treat the Government of President Jiménes with every confidence it is believed that the following should be agreed upon:

First: Persons in the receivership employ should be removed only for disloyalty to the administration or for causes affecting their efficiency. The Government may allege either cause, the general receiver only a cause affecting efficiency. If, after hearing, the Government is satisfied of the disloyalty of the employee, it may remove him. If, after hearing, the general receiver is satisfied that an employee is not competent or is unfitted, the Government will, on recommendation of the general receiver, remove him at once.

Second: The Government will make no appointment to fill a vacancy until the general receiver certifies to the competency and fitness of the candidate.

Third: After July 1, 1915, no new appointment will be made in the service to higher positions when the general receiver certifies that there are fully qualified persons occupying positions in a lower grade, and the vacancy will be filled by the appointment of one of the persons in the lower grades certified by the general receiver to be qualified for promotion.

Fourth: The location, assignment and transfers of persons in the customs service will be exclusively controlled by the general receiver.

It is desired to impress on the Dominican Government that the cost of collecting the revenue has been and will be materially increased by incompetent personnel; that the number of American and supervisory employees could be materially decreased if the Dominican Government would permit a continuity of service so that the Dominican employees could become competent to perform their duties; that, in fact, if by appointing an incompetent person it becomes necessary for the general receiver to employ a competent person to overlook his work, it would really be an economy for the Dominican Government to pay the incompetent person and keep him away from the customs service altogether.

It should be made clear that while the President of the United States has a right under the convention to appoint the entire personnel engaged in collecting customs duties at the several customs houses of the Republic, it was not his desire so to do. It was the desire of this Government simply that the general receiver should, with reference to the appointment of the Dominican personnel, be given the same authority and confidence which would be given an official of the Dominican Government performing this duty; and this authority and confidence required that no appointment be made without the certification of the general receiver of their competency, and that removals of incompetent or dishonest persons be promptly made, on the recommendation of the general receiver. On the other hand, the general receiver not being so thoroughly acquainted with local conditions, the question of loyalty to the Government of employees should be passed on by the Dominican Government.

The foregoing is submitted with the belief that if observed in good faith by the general receiver and the Dominican Government, most

of the friction which has arisen heretofore will be avoided; that in a very short time the personnel of the service will be such that there will be no temptation on the part of one or the other party to the agreement to make any change therein not in the interest of efficiency of the service.

The general receiver has shown his desire to avoid any question of favoritism by providing a system of examinations which would determine the competency of persons to be appointed. The Government, then, might nominate persons whose competency would be subsequently passed on or might make appointments from a list to be furnished by the general receiver, of persons whose competency had previously been passed on.

If the foregoing recommendation of an agreement is carried out, it should be understood that it in no way cancels section 1 of the convention, which might be put in full force if at any time in the future it should become necessary to protect the customs service; that the agreement is intended to show that it is the desire of the United States to give to the Dominican Government as full control over the Dominican personnel in the customs service as it would have in an efficient customs service in which this Government had no intervention and to retain to the general receiver only that power which is customary in a well organized service and without which efficiency is impossible.

Accept [etc.]

W. J. BRYAN.

File No. 839.51/1506.

Minister Sullivan to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Santo Domingo, March 3, 1915—6 p. m.

Dominican Government asks that $120,000 under credit order number 1324 for the construction of new line of Dominican Central Railroad be made available to put railroad in working order. General receiver of customs states that present condition of railroad reduces Puerto Plata customs receipts. I recommend that this money be used for the purpose indicated on condition that same be expended by general director of public works; that the railroad be placed under his supervision; and on agreement to the effect that railroad be not leased or disposed of in any way without the consent of the Department.

SULLIVAN.

File No. 839.51/1510.

AMERICAN LEGATION,
Santo Domingo, March 4, 1915—3.40 p. m.

Pending the authorization by Dominican Congress of this year credit orders general director of public works requests he may be authorized to borrow fifty thousand from credit order 1325 to continue work now in progress. No new work to be started until proper orders are approved and money borrowed to be returned when

funds are available. This authorization will not delay installation of the lighthouses and will avoid shutting down public works. Collett advises me this matter was explained to the Department when in Washington. I recommend this course.

SULLIVAN.

File No. 839.51/1506.

The Secretary of State to Minister Sullivan.

[Telegram—Extract.]

DEPARTMENT OF STATE,
Washington, March 6, 1915—4 p. m.

Replying yours March 3, 6 p. m., Department has informed Minister Jiménez that it would sanction money for repairs Dominican Central Railroad provided same be expended by director general public works and that railroad, after repairs be operated by public works.

BRYAN.

File No. 839.51/1514.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, March 12, 1915—9 a. m.

Collett recommends that credit order 1334 covering road to La Vega from Santo Domingo submitted last year be now approved to the extent of two hundred thousand dollars so that this work, first part of which is well under way, can be rushed. We both consider this road the most important work on the island. Bordas Government, and Minister of Fomento Velasquez now claim this credit order is legal and requested Collett to recommend its approval. I concur in this recommendation.

SULLIVAN.

File No. 839.51/1514.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 18, 1915—5 p. m.

Your March 12, 9 a. m. In view of constitutional rights of Dominican Congress Department not prepared to approve expenditure of public works funds without congressional sanction unless legality clear. Suggest you cite laws on which opinions are based that order 1334 is legal. Highly desirable Congress should provide for public works present calendar year that there may be no interruption of work.

BRYAN.

File No. 839.51/1536.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, March 27, 1915—7 a. m.

Sending following at the request of financial expert:

Senate having voted budget carrying appropriations three quarters of a million dollars in excess of probable revenues for the fiscal year, I now consider it necessary to proceed energetically to reduce running expenses of Government. I have accordingly given notification that beginning April 1 proximo no further payments for certain budgetary items which I consider superfluous will be made. Economies thus effected will amount to $300,000 per annum. Another list of items to be eliminated April 15 will be submitted to Government next week and other eliminations will follow in rapid succession till our expenses are well within present receipts. Vigorous protest not unlikely. JOHNSTON.

SULLIVAN.

File No. 839.51/1536.

The Secretary of State to Minister Sullivan.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, March 30, 1915—6 p. m.

For Johnston. In accordance with recommendations of Johnston and Baxter, telegram was sent yesterday by Bureau of Insular Affairs instructing Baxter to pay over to Dominican Government after April 1 only amounts to which it is entitled by treaty.

BRYAN.

File No. 839.51/1514.

DEPARTMENT OF STATE,
Washington, March 31, 1915—3 p. m.

Your March 12, 9 a. m., Department's March 18, 5 p. m., reference credit order 1334. In Department's opinion authorization by Dominican Congress necessary. Department therefore disapproved credit order 1334.

BRYAN.

File No. 839.51/1523.

DEPARTMENT OF STATE,
Washington, April 1, 1915—3 p. m.

Your March 4. Even supposing it has authority of law so to do, which is gravely doubted, Department unwilling authorize transfer money from credit order 1325 to continue work now in progress.

Department's policy has been not to interfere with details internal improvements but recognize authority Dominican Congress thereover. Departure from that policy might easily cause serious embarrassment and it is believed should not be made even to avoid suspension public works under way. Responsibility for such suspension apparently rests with Dominican Congress which failed to make appropriation. Moreover, Department understands Congress now in session and of course it may, if it chooses, relieve public works situation.

BRYAN.

File No. 839.00/1706.

The Dominican Foreign Office to the Secretary of State.

[Translation.]

FOREIGN OFFICE,
Santo Domingo, April 17, 1915.

HONORABLE MR. SECRETARY: The Dominican Government, wishing to clear up, in a positive and definite manner, certain questions of the utmost importance to the interests of the nation, has appointed as Envoys Extraordinary and Ministers Plenipotentiary, Señores Federico Velásquez H., Secretary of State of Fomento and Communications; Licentiate Jacinto B. Peynado, Secretary of State of Justice and Public Instruction; Doctor Francisco Henríquez y Carvajal, ex-Secretary of State of Foreign Relations; and Licentiate Enrique Jiménez, the Present Envoy Extraordinary and Minister Plenipotentiary of the Republic near your Government.

My Government trusts that your excellency will grant an immediate reception to this commission, giving it full credit in all its utterances, and that this will prove an occasion of which the Honorable President Wilson and your excellency will avail yourselves to give to America an eminent affirmation of the respect which the interests and rights of the Dominican Republic merit and consequently those of all the Latin peoples who inhabit the Western Hemisphere from Bering Sea to the Straits of Magellan.

I hope that the voice of justice will find a warm reception at the White House and that the action taken by your excellency's Government will banish the suspicions which are nourished in the hearts of the people of America by those who combat the greatness and efficacy of the great nation of the United States of America.

I am pleased to avail [etc.]

B. PICHARDO.

File No. 839.00/1705.

The Secretary to the President to the Secretary of State.

THE WHITE HOUSE,
Washington, May 15, 1915.

MY DEAR MR. SECRETARY: By the President's direction, I am sending to you a communication left with him last night by the Special Dominican Commission.

Sincerely yours,

J. P. TUMULTY.

[Inclosure—Translation.]

President Jiménes to President Wilson.

JUAN ISIDRO JIMÉNES, PRESIDENT OF THE DOMINICAN REPUBLIC, TO HIS EXCELLENCY WOODROW WILSON, PRESIDENT OF THE UNITED STATES OF AMERICA.

GREAT AND GOOD FRIEND: It gives me pleasure to communicate to Your Excellency that I have appointed Señores Federico Velázquez H., Secretary of State of Fomento and Communications, Licentiate Jacinto B. Peynado, Secretary of State of Justice and Public Instruction, Doctor Francisco Henriquez

y C., ex-Secretary of State of Foreign Relations, and Licentiate Enrique Jiménez, the present Envoy Extraordinary and Minister Plenipotentiary of the Dominican Government near your Government, distinguished and honorable citizens, upon whom I have conferred the important duty of taking up with Your Excellency in a direct manner questions closely allied to the national interests, with the sincere desire that they may obtain a satisfactory solution to the end that the bonds of friendship which unite our Governments may be strengthened.

The especial qualifications of the members composing this Commission, your sentiments and high moral standard, encourage me to hope for a prompt solution of the matters to be discussed. I therefore trust that Your Excellency will grant them a favorable reception and will give full faith and credit to all they may say to you regarding the Dominican Republic and particularly in all that may concern the mission which has been conferred upon them.

Your Loyal and Good Friend,

[SEAL.] J. I. JIMÉNES.

SANTO DOMINGO, *April 18, 1915*,

File No. 839.51/1567.

The Special Dominican Commissioners to the Department of State.

DOMINICAN LEGATION,
Washington, [not dated; left at the Department May 18, 1915.]

MEMORANDUM
ON THE APPOINTMENT OF CUSTOMS SERVICE EMPLOYEES.

[Translation.]

Respecting the customs service employees, the Dominican Government understands that the treaty now existing between the Dominican Republic and the United States of America does noe restrict, cannot restrict nor has it at any time restricted the power which the President of the Dominican Republic holds, by virtue of the Constitution and other laws of the country, to appoint customs inspectors and other employees of the same service, independently of the general receiver and of the employees of the receivership, whose appointments are by the treaty made by the President of the United States.

This point was definitely settled by the Dominican Congress in approving the Dominican-American Convention of February 8, 1907, and understood in the same sense by the American Government, as shown and confirmed in the letter of the Honorable Secretary of State, Mr. Root, to the Dominican Minister in Washington, dated May 24, 1907.[7]

Upon assuming his office, Mr. W. E. Pulliam, the first general receiver of customs, appointed by virtue of the convention of February 8, 1907, believed, as at present Mr. Baxter believes, that he could object to the appointment of inspectors and other employees nominated by the President of the Dominican Republic, and after much discussion on the subject in Santo Domingo, he returned to the United States with the intention of clearing up the question, taking advantage of the presence in Washington of the then Secretary of the Treasury, Señor Velazquez. In the office of Mr. Root and jointly

[7] For. Rel. 1907, p. 312.

with him, the matter was discussed by Mr. Pulliam, and the judgment of the Dominican Government was again confirmed in this respect, in the sense that being to the best interests of the Dominican Government to obtain and assure the best assistance in its customs service, both parties, the Government itself as well as the general receivership, should endeavor to maintain the most complete harmony among the employees, and if at any time it should happen that any one of the employees appointed by the Dominican Government should prove incompetent for the post to which he has been nominated the general receiver may, through the Secretary of the Treasury, request the Dominican Government to remove such employee and obtain such removal and in a like manner the Dominican Government may request of the general receivership the removal of any of its employees who may prove incompetent and a detriment to the service.

This decision has been maintained firmly, with no thought of modifying it in any respect until now, since the arrival of Mr. Baxter in Santo Domingo, the decision given by the Honorable Secretary Root having obtained on the two or three occasions which had to do with the removal of employees. That this judgment always has prevailed is confirmed by the fact that nothing to the contrary is to be found in the files of the offices of either country from the beginning of the carrying out of the treaty up to the present date, but certain reports in its favor are to be found from the general receivership.

The Dominican Government being interested in the establishment of an excellent customs service in the country has not attempted at any time, in its desire to effect certain removals from the service, to exchange a competent personnel for an incompetent, but merely to replace competent employees, openly disaffected and hostile to the present administration by those others of absolute honesty and competency who are friendly, or not hostile to the administration. As the predominant interest of both Governments is to obtain an efficient customs service, the Dominican Government, in whose name the commission is authorized to speak, can not see why there should be any difference between its judgment and that of the American Government in this respect.

In the Dominican Republic up to the present date, there is no law whatsoever establishing the civil service; but in all pertaining to the employees of the customs service there has always been a tendency on the part of the Dominican administration to effect as few changes as possible, which has resulted in the fact that to-day the greater portion of the customs employees in active service have been many years so engaged.

The Dominican Government sincerely hopes that the judgment which has always prevailed respecting the appointment of customs employees, may be maintained.

File No. 839.51/1575a.

The Department of State to the Dominican Legation.

[Memorandum.]

DEPARTMENT OF STATE,
Washington, June 8, 1915.

The receivership of customs in the Dominican Republic was established in the interests of the Republic. The general receiver should

be guided in all his acts solely by the interests of the Dominican Republic and should conduct himself as would a faithful official of that Government. He should be consulted by the Government in all acts that affect the receivership or the customs service just as it would a Dominican official of the administration having its confidence. He will conduct himself towards the Dominican Government in a similar manner.

The appointment of the personnel of the receivership is a function of the President of the United States. It is understood, however, that the general receiver will not employ in the receivership Dominican citizens, or foreigners resident in the country not Americans who have political ties in the country, without first advising the Dominican Government of the names of the persons to be employed and, if the Government alleges reasons satisfactory to the general receiver why such persons should not be employed, he will be guided thereby, because it is not deemed proper that the general receiver should have in his employ Dominican citizens or certain foreigners to whom the Government has well-founded opposition.

In a similar manner, while the appointment of American citizens in the receivership is left entirely to the President of the United States, or to a person designated by him, the Dominican Government is not deprived of the right of reporting misconduct of such employees, and allegations of misconduct will be carefully examined in the first place by the general receiver and, on appeal, by the Bureau of Insular Affairs of the War Department, and if the charges are well founded and justify such action, such employees will be removed from the service.

File No. 839.51/1575a.

The Department of State to the Dominican Legation.

[Memorandum.]

DEPARTMENT OF STATE,
Washington, June 8, 1915.

After a careful consideration of the objections submitted by the Dominican Commission to the status of the financial expert, who at the suggestion of His Excellency, the Provisional President of the Dominican Republic, General José Bordas Valdés, was designated by the President of the United States under article 1 of the convention of February 8, 1907, the President of the United States has decided to avoid any question of the legality and propriety of the appointment of a financial expert for the Dominican Government or in the assignment of duties to such an expert which would in any way conflict with the Constitution or laws of the Dominican Republic.

But having in mind that the execution of the convention of 1907 requires special vigilance, and the United States Government desiring to aid sincerely the Dominican Government in the solution of its economic and financial problems, as the Government of the Dominican Republic loyally recognizes, the President of the United States has decided to assign certain additional duties to the general receiver of Dominican customs and his assistants named under article

1 of the convention of February 8, 1907, with the object of assuring strict compliance with the Treaty, and at the same time that the Dominican Government may obtain the benefits of a sincere assistance of the Government of the United States without contravening the laws of the Dominican Republic.

In addition to such duties as may have heretofore been assigned to the general receiver, he will be directed to devote, personally or through his assistants named under article 1 of the convention of 1907, special attention to those clauses of the convention of 1907 having to do with "the retirement and extinction of certain concessions and harbor monopolies which are a burden and hindrance to the commerce of the country" and to the allotment of the unexpended balance of the proceeds of the bond sale authorized by that convention "to the construction of certain railroads and bridges and other public improvements necessary to the industrial development of the country" and to the observation required by that clause of the convention which provided that "until the Dominican Republic has paid the whole amount of the bonds of the debt its public debt shall not be increased except by previous agreement between the Dominican Government and the United States."

In order that he may effectively assist in preventing the unnecessary increase of the public debt of the Dominican Republic and be in a position to advise the United States Government of the necessity of increasing such debt, in case the necessity should arise, and to advise the United States Government as to the many financial questions which are constantly arising in the performance of the duty imposed on the United States Government by the convention of 1907, there will be assigned to him the following specific duties in the performance of which he will require the good will and cooperation of certain executive officials of the Dominican Government:

A. He will advise the proper Dominican officials in the settlement of all the outstanding indebtedness of the Republic;

B. He will make to the Dominican Government recommendations looking to the improvement of the system of public accountability;

C. He will make to the Dominican Government suggestions of equitable means of increasing the public revenues and of so adjusting the public disbursements thereto that deficits may be avoided;

D. He will inquire into the validity of any and all claims which may be presented against the Dominican Government and will advise the officials of the Government in advance of his views in the premises;

E. He will request information from time to time, through the Secretary of Finance and Commerce as to the public accounts of the Dominican Government and of the departments and bureaus thereof, in order that the Government of the United States may be assured that the public debt is not increasing, and will advise the Government of errors and discrepancies therein and will make recommendations looking to their adjustment or to the protection of the Government against irregularities.

The President hopes that the Dominican Government, in case the suggestions and recommendations of the general receiver are not adopted, will advise the United States Government of the reasons why they are not adopted. Such statements will be taken into consideration by the United States Government in determining its

action on financial questions arising under the American-Dominican Convention of 1907.

File No. 839.51/1576.

The Dominican Minister to the Secretary of State.

[Translation.]

No. 57.] DOMINICAN LEGATION,
Washington, June 10, 1915.

MR. SECRETARY: I have the honor to acknowledge the receipt of the two documents which embody the points in the questions discussed at the Department of State by the Special Commissioners of the Dominican Government that have been agreed upon. The commissioners direct me to give notice of their most sincere thanks.

They also direct me again to reiterate in the name of the commission, the views maintained by it at the conferences in regard to the customs officials. According to the said views the appointment of the said officials is vested by the Constitution in the President of the Dominican Republic. That power was freed from any mistaken appreciation by the declarations made by the Congress of the Dominican Republic upon its approving the Dominico-American Convention of 1907, as well as by those also made on that occasion in the name of the American Government by the Honorable Elihu Root then Secretary of State and by the facts unbroken since the said treaty of 1907 went into operation until now.

I renew [etc.]

ENRIQUE JIMÉNEZ.

File No. 839.51/1580.

President Jiménes to President Wilson.

[Telegram—Translation.]

SANTO DOMINGO, *June 22, 1915.*

Holding our respective Governments to be animated by the same interest in maintaining close and respectful relations among American and Dominican officials and deeming it antagonistic to that purpose that Charles Johnston should hold any office in this country, I make bold so to inform Your Excellency in order that you give the requisite directions should you deem it expedient to prevent the said gentleman from assuming any office in Santo Domingo.

Cordially and sincerely,

PRESIDENT JIMÉNES.

File No. 839.51/1580.

The Secretary of State to Chargé Johnson.

[Telegram.]

DEPARTMENT OF STATE,
Washington June 26, 1915—5 p. m.

The President has sent to this Department the telegram of President Jiménes in which the latter suggests that Charles M. Johnston be prevented from assuming any office in the Dominican Republic.

Please call upon President Jiménes and discreetly but forcefully call his attention to the fact that Mr. Johnston went to Santo Domingo with the understanding that he was to remain for three years while performing duties clearly agreed upon between the two Governments. If President Jiménes will specifically set forth his complaints against Charles M. Johnston the Government of the United States will carefully examine allegations of misconduct and act after reaching its conclusions.

It was recently agreed between the Dominican Commission and this Government that Mr. Johnston's employment as financial expert should terminate June 30, 1915, and that July 1, 1915, he should become an employee of the receivership. Mr. Johnston left here June 17 and carries five important letters of instructions which you should read. This Government desires to give full consideration to the wishes of the President of the Dominican Republic but is loath to consider the removal of any employee under the receivership, at least not until a full hearing has been allowed, as the appointment of the personnel of the receivership is a function of the President of the United States.

LANSING.

File No. 839.51/1586.

Chargé Johnson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, July 6, 1915—11 a. m.

Dominican Congress recently passed budget carrying appropriations $300,000 in excess of reliable estimates of revenues and containing other provisions obnoxious to the Dominican Government. The President under the Constitution, chapter 7, returned the bill with amendments, among others, reducing expenditures $300,000. Congress rejected the amendments but not by two-thirds vote required by the Constitution to effect passage freed from President's amendments. The President has sent to Congress a special message urging reconsideration in view, among other things, of international obligations not to increase the public debt but he has no hopes of favorable action. This would leave old budget in force which carries $5,000,000 which is $600,000 more than estimated revenues. Minister of Finance however says that he can continue to operate under that budget in such a manner as to keep obligations of the Government within the revenues and that old budget would be better than the new budget unamended.

JOHNSON.

File No. 839.00/1715.

Chargé Johnson to the Secretary of State.

[Telegram—Extract.][8]

AMERICAN LEGATION,
Santo Domingo, July 14, 1915—8 a. m.

Heavy inroads on funds appropriated for other purposes have been made for war operations.

JOHNSON.

[8] The entire telegram is printed under Political Affairs, p. 288.

File No. 839.00/1714.

The Secretary of State to Chargé Johnson.

[Telegram—Extract.][8]

DEPARTMENT OF STATE,
Washington, July 16, 1915—4 p. m.

Your July 14, 8 a. m. * * * Protest strongly against diversion of funds as contrary to the convention, and state that the Department will be very slow to accept political conditions as reasons for future advances to cover these diversions. * * *

LANSING.

File No. 839.00/1720.

Chargé Johnson to the Secretary of State.

[Telegram—Extract.][8]

AMERICAN LEGATION,
Santo Domingo, July 22, 1915—5 p. m.

In compliance with your instructions dated July 16, 4 p. m. I have * * * made both verbal and written protest against diversion of funds. * * * Impossible to determine yet the ability of the Government to cope with situation. * * * No doubt, however, of magnitude and wastefulness of suppressive effort already made and of considerable disorganization of Government finances which will result even if disorders abate.

JOHNSON.

File No. 839.00/1731.

Chargé Johnson to the Secretary of State.

[Extract.]

No. 189.] AMERICAN LEGATION,
Santo Domingo, July 22, 1915.

SIR: Referring to your cable dated July 16, 4 p. m., and to my reply dated July 22, 5 p. m., * * * I have the honor to inclose herein * * * copy of a note[9] I directed to the Foreign Office under today's date, embodying the protest I was instructed to make in reference to diversion of funds. I ventured to embody in this note portions also of the instructions contained in your January 12, 8 p. m. and April 20, 2 p. m., which had not previously been conveyed in writing and which I considered had an intimate connection with the protest against the diversion of funds to put down the disorders. Of course even without directly calling attention to the desire of the United States to itself suppress disorders which would otherwise require extra-legal expenditures by the Dominican

[9] The substance of this despatch No. 189 is printed under Political Affairs, p. 289; the note here referred to will be found there as inclosure 2. The two instructions referred to are also under Political Affairs, pp. 279 and 284.

Government, the remedy of that Government, in the face of our protest, should be obvious to them. * * *

I have [etc.]

STEWART JOHNSON.

File No. 839.00/1720.

The Secretary of State to Chargé Johnson.

[Telegram—Extract.]

DEPARTMENT OF STATE,
Washington, July 27, 1915—5 p. m.

Your telegram July 22. What recommendation does the Legation make for liquidation of diversions already made and for re-establishment of finances upon sound basis once order is secured? Consult with Receiver and report.

LANSING.

File No. 839.00/1737.

Chargé Johnson to the Secretary of State.

[Extract.][10]

No. 193.] AMERICAN LEGATION,
Santo Domingo, July 30, 1915.

SIR: Referring to my despatch No. 189 dated July 22, 1915, I have the honor to enclose * * * copy and translation of the reply to my note of protest against the diversion of funds, copy of which I enclosed in the despatch referred to above. * * *

As for the statement in the Dominican Government's note that the budget has not been exceeded, it is in contradiction of what the President himself had said to me on two occasions, and at best is technically true only; for example, the entire credit provided in the budget for the fiscal year from July 1, 1915, to June 30, 1916, may not yet have been exceeded.

I have [etc.]

STEWART JOHNSON.

File No. 839.51/1594.

The Secretary of State to Chargé Johnson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 3, 1915—7 p. m.

Your July 6, 11 a. m. Department hopes that President's special message will have favorable results but in the event of failure nothing should be left undone to prevent the enforcement of the old budget or the enactment of any new budget, carrying appropriations in excess of revenue.

LANSING.

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[10] This despatch No. 193 is printed in full under Political Affairs, p. 292; the translation of the reply here referred to is there shown as inclosure 2.

File No. 839.51/1604.

Chargé Johnson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, August 20—8 a. m.

Referring to your telegram August 3, 7 p. m. Old budget continued in force by necessary decree, owing to failure of Congress, prior to adjournment, either to pass pending budget over Presidential amendments to certain items or to accept the amendments. Plan is, however, to operate by not availing of certain appropriations and by leaving unfilled certain offices with the result that total of items for which Government should become indebted will not exceed estimated income. This is plan under which same budget operated under Johnston, financial expert part of last fiscal year. Perdomo had promised to give publicity to list of items suppressed so that proposed plan of operation would have a measure of binding force on Government and shall now endeavor to obtain publication of such a list from Minister of Finance when appointed.

JOHNSON.

File No. 839.00/1750.

Chargé Johnson to the Secretary of State.

No. 200.] AMERICAN LEGATION,
Santo Domingo, August 26, 1915.

SIR: In compliance with your telegraphic instruction dated July 27, 5 p. m.. I have the honor to send enclosed herein the Legation's recommendations upon the subject of the liquidation of diversions of revenue by the Dominican Government due to its extraordinary expenses since July 7, 1915, in attempting to suppress minor uprisings that have occurred; and upon the subject of the reestablishment of the Government's finances on a sound basis, once order is restored. As the enclosed report deals only with current obligations a later supplemental report will be sent on the subject of the unpaid claims against the Dominican Government.

I have [etc.]

STEWART JOHNSON.

[Inclosure.]

Recommendations of the American Legation in regard to Dominican financial affairs.

FINANCIAL CONDITIONS IN THE DOMINICAN REPUBLIC PRIOR TO JULY 7, 1915.

During the six months preceding July 7, 1915, being the first six months of the administration of President Jiménes, the adjustment of the current obligations of the Government to its revenues showed a steady improvement until, during the last two months of the period, a small balance remained at the end of the month with which to pay a portion of the current excess obligations of the previous months. Nothing however was done during this period to improve the defective administration organization of the army and navy and the Republican Guard, under the departments of War and Navy and Interior, respec-

tively, in anticipation of the constantly expected revolution, even though with the aid of only current appropriations and revenues the organization could have been made sufficiently effective to quell any disturbances that have yet arisen with despatch and at small extraordinary expense. During this period also occurred the elimination of the American "Financial Expert" from control of the expenditures and the substitution of the General Receiver of Customs in an advisory capacity.

The budget in force for the fiscal year July 1, 1915, to June 30, 1916, is the same as that for the two preceding fiscal years and carries appropriations about $600,000 in excess of estimated revenues. However, the plan of operation under which favorable results were obtained under this budget last year during the last few months is to be followed again and that plan is to not avail of certain appropriations and to not fill certain offices so that the total obligations of the Government shall not be greater than its estimated revenues. This plan is excellent if adhered to. A promise was obtained from Mr. Perdomo, the late Minister of Finance, now spoken of as Dominican Minister in Washington, to publish a list of the items suppressed, in order to give some measure of certainty and binding force to the plan of operation, and I shall also now try to obtain publication of the list from the new Minister of Finance when appointed, and transmit a copy to the Department. Two copies of the budget now in force were transmitted to the Department in the Legation's No. 327, dated August 19, 1913.[6]

CONDITIONS SINCE JULY 7, 1915, AND AT THE PRESENT TIME.

On July 7, 1915, an armed revolutionary movement broke out, led by Ex-Governor Quirico Feliu, of Puerto Plata, and he still remains at large with a varying number of followers, requiring the Government to keep on a war footing until he is captured or terms are made with him. Efforts are now being directed to the latter end. Several bodies of self-styled revolutionists, who have become little better than brigands, also are at large. Since the beginning of the present uprising it is calculated that the Government has exceeded its ordinary expenditures on its two armed forces by over $40,000. There are in the budget items totaling $24,000 to which by a stretch of the letter of the law, in some cases, these war expenditures could be charged. This leaves up to the present moment at least $16,000 expended for which there is no appropriation. Not only this amount but also the $24,000 credit in the budget has to come out of the current revenues, leaving the corresponding amount on the civil side of the budget unpaid until the expended sum of $40,000 is accumulated month by month out of the current revenues. In order to repay the entire amount these would have to exceed the estimates by $16,000.

The situation is then at the present time that the Government has ample ready money in its current revenues with which to meet war expenses. These are paid in cash and as many of the civil obligations are left delinquent or unpaid as may be necessary. Salaries of civil employees in this city are now being paid for the first half of the month of July and are therefore one and a half months behind. Salaries in the interior are somewhat further behind.

The present and past method of payment of war expenses is conducive to graft and therefore to only half-hearted attempts, on the part of those entrusted with the task, at putting an end to the condition of affairs requiring the Government to be on a war footing. Rations money, for example, is paid direct to the respective Ministers or local commanders and transmitted from hand to hand to its final destination, the individual soldier or republican guard, as the case may be. That tremendous leakage and inefficiency results from the present system has been admitted to me by the new Minister of Interior and Police, Mr. Enrique Jiménez, late Dominican Minister at Washington, who has some excellent plans of reform, but who is now and has been since his arrival here engaged solely in the task of interviewing bandit and revolutionary leaders with the object of inducing them to lay down their arms, which many of them have done but whether from patriotic or other motives I do not know.

The only resources of the Government, in view of the provisions of the Convention, are of course its current revenues, until it is allowed to borrow money by the United States.

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[6] Not printed.

PROPOSED REMEDIES: 1, FOR THE LIQUIDATION OF DIVERSIONS OF FUNDS ALREADY MADE: AND 2, FOR THE REESTABLISHMENT OF THE FINANCES OF THE DOMINICAN GOVERNMENT UPON A SOUND BASIS, ONCE ORDER IS SECURED.

1. If the revenues exceed the estimates and the finances are honestly administered, both of which things there is some ground for expecting, the diversions could be made good within a reasonable time. If however the diversions cannot be replaced out of revenues in excess of estimates, the remedy would seem to be to add the debt to the total now outstanding and unprovided for and to begin again the attempt to keep current obligations within current resources. In order to lay the basis for requesting retrenchment, which might be thought to be the obvious remedy, it would be necessary to demonstrate to the Dominican Government, 1, that diversions were in fact made in excess of budgets credits; and, 2, that the diversions, or excess of credits, could not in all probability be recovered from revenues in excess of the estimates. "One" could not be demonstrated to an unwilling government without the right to examine all Government books and accounts; and "two" is not capable of proof as it is a question of opinion upon which experts might differ.

2. The reestablishment of the finances of the Dominican Government upon a sound basis could only be brought about, it would seem, through American control, 1, of the total of the annual appropriations; 2, of the expenditure of the revenues; and, 3, of the administration and direction of the national armed forces. "One" and "two" are fairly obvious. "Three" is added because in no other way can public order be assured, without which liability of the Government for money damages incurred as the result of disorders, and of course not ordinarily provided for in a budget, cannot be prevented.

RECOMMENDATIONS WITH A VIEW TO SECURING THE PROPOSED REMEDIES.

The remedy proposed above for the reestablishment of the finances on a sound basis could probably only be obtained in its full extent as the result of intervention. It is however the only complete remedy that presents itself for the solution of those defects that have developed up to the present time in the financial system of the Dominican Government. A surprisingly large part however of the program stated can in my opinion, in spite of the apparent obstacles, be secured without intervention by firm adherence to one simple principle or policy, namely, to make no concessions in the matter of deviation from the strict terms of payment to the Dominican Government provided in the Convention until not only all the lesser reforms heretofore suggested to, or the subject of negotiation with, that Government have been *first* provided for in legal form, but also a measure of control over the appropriations and expenditures, commensurate in each case with the importance of the deviation, and consistent with the objections admitted to the late Dominican Commission in Washington, has been granted.

Some of the reforms referred to are: 1, Publicity for, or, better, a decree naming, the items suppressed in the current otherwise admittedly excessive budget; 2, Wireless service, including both collection and disbursement of revenues, under Department of Public Works with an American expert as sub-department head; 3, Government-owned railroad under Department of Public Works while making repairs and for a reasonable time thereafter or until its inability to operate the road at a profit for the Government is demonstrated; and, 4, Reform of the army and republican guard.

GENERAL COMMENTS.

In view of the fact that it is inevitable that the Dominican Government will soon be asking the United States to permit advances, or to make concessions such as diversions from the sinking fund or the public works fund, I feel strongly that the policy outlined would be successful and that it would be a great misfortune for this country if we did not take advantage of the opportunity which will be presented to enforce internal reforms. Tremendous pressure will of course be brought to bear upon both the Department and the Legation to grant the appeals for money without the delay incident to first obtaining provision for the desired reforms. It will undoubtedly be urgently represented, for example, that the particular concession asked for is imperatively

needed to prevent the Government from immediately falling. In view however of the money obtainable weekly from the Receivership, there can not in my opinion arise a need for money so pressing that it cannot await the settlement of negotiations; and, even if the payments should be made monthly as contemplated by the Convention the Government would at most have to postpone payment of any particular pressing obligation a month.

The Dominican Commission in Washington took the attitude that the Convention should be reexamined with a view to the elimination of financial control exercised by machinery not named in the Convention itself. In view of our concession on this point we could now with propriety take the attitude that in future we too would be guided by the strict terms of the Convention and that no matter what the new necessity might be we would not again depart from the Convention, at any rate without first receiving in return not only all we had expected to receive out of a spirit of gratitude for concessions already made to this Government, but also some additional concession in return for the new one made. In my opinion only by trading concessions within our lawful power to grant or withhold can we hope successfully to impose upon the Dominican Government measures for internal reform which as such we cannot in all cases clearly demand as of right. Placing the matter upon a strict basis of compensation could not be justly criticised in view of our failure to always obtain results reasonably to be expected from merely placing the Dominican Government under obligation to us.

The General Receiver with whom I have conferred is in agreement with me as to the probability of the Dominican Government soon needing funds in addition to those to which it is strictly entitled under the terms of the Convention, with which to pay salaries of civil employees now in arrears as a result of the use of the convention receipts in whatever extent was necessary to pay the extraordinary expenses of the Government while on a war footing, and that a crisis of a serious nature might result if the money is not forthcoming. I am not wholly clear as to his opinion with reference to the advisability of holding back concessions, no matter what the consequences of the greater or less delay involved in first settling negotiations, for the purpose of securing the desired reforms. The point of view of the General Receiver is naturally less influenced than the Legation's by the desire to secure success for those specific policies in this country of the Department whose carrying out is not sought through his efforts alone, although his cooperation as the General Receiver of Dominican Customs is invaluable and always earnestly desired and sought by the Legation. It may perhaps be urged that because we are publicly "supporting" this Government, because we urged it to suppress the revolution and because much money is necessarily spent in so doing, we should promptly acquiesce in plans to facilitate the Dominican Government in obtaining money that belongs to it but which is now tied up in the public works fund or in which it has a degree of ownership such as the Convention sinking fund. In answer it may be said that our support of the Government is of course in this connection merely as against revolutions, and this support would be given whether it granted the reforms we have urged, or may urge, or not. Moreover at the same time that we urged the prompt suppression of the disorders we in addition formally protested against any increase of the public debt and called attention to our expressions in the past to the effect that we are willing to support the Government with armed forces and that it should not be put to needless expense in putting down revolutions. It is also a fact that as previously pointed out no diversions would have been necessary had proper heed been given to suggestions of reform, both financial and military, and that unfortunate consequences of inability to obtain extra-convention funds must be laid at the door of the Government itself.

However, the recommendations presented herein are not based upon the premise that the needs of the Dominican Government will not be real or that its requests will be unreasonable or that we could not with propriety grant them. The recommendations are merely that concessions should be granted only upon reasonable terms first complied with by the Dominican Government. A crisis which might result from delay on our part might even bring about the desirable result of placing matters upon a permanent and sound footing by bringing home to this country a full realization of the obligations of a nation under its treaties and towards the family of nations in the matter of keeping its house in order. If a new revolution resulted from our delay, this would in my opinion be better than yielding and failing to obtain those reforms without which in any event the country could not long exist as an independent nation.

In this connection I would further respectfully recommend that the moment further difficulty is encountered here in the matter of settling any of the matters now under negotiation with this Government, that the Convention basis of payment of the customs revenues to the Dominican Government at the end of each month be reestablished, but only in case a request from the Dominican Government for an advance of funds or for some other concession shall not already have been made.

The problem of the payment of the liquidated and unliquidated claims against the Government, amounting to about $7,000,000 up to the present, will be treated in a supplemental report.

Respectfully submitted,

STEWART JOHNSON.

AUGUST 26. 1915.

File No. 839.00/1750.

The Secretary of State to Chargé Johnson.

DEPARTMENT OF STATE,
Washington, September 15, 1915.

SIR: The Department has received your No. 200 of the 26th ultimo in which you enclose the Legation's recommendation regarding the liquidation of diversions of revenue made by the Dominican Government due to the extraordinary expenses incurred since July 7, 1915, in attempting to suppress uprisings in the Dominican Republic.

Your report has been read with much interest and its recommendations are commended.

I am [etc.]

ROBERT LANSING.

File No. 839.51/1633a.

The Acting Secretary of State to Minister Russell.

[Extract.]

No. 139.] DEPARTMENT OF STATE,
Washington, September 17. 1915.

SIR: The Government of the United States is anxiously concerned over the present unsettled conditions, both political and financial, in the Dominican Republic. This Government, by reason of the obligations assumed and by virtue of the authority given under the provisions of the convention concluded on February 8, 1907, is particularly interested in the material progress and welfare of the Dominican Republic and to that end is most anxious to secure the early reestablishment of a permanent peace throughout the country.

The two or three years following the enactment of the Dominican convention in 1907 seem to have passed without a violation on the part of the Dominican Government of clause III of that convention. Since 1910, however, it appears that the exigencies of the conditions in the Republic to which you are accredited have gradually caused first one of its administrations and then another to disregard the provisions of clause III of the solemn covenant entered into between the United States and the Dominican Republic. The Government of the United States, finding the administration of affairs at Santo Domingo in a deplorable condition, towards the close of 1912, was compelled to

send delegates from this Department and that of War, Mr. Doyle representing the former and General McIntyre the latter, to compose the differences of factional leaders.[11] The result of their friendly good offices was that Archbishop Nouel became President.

Before this event the Dominicans had incurred by degrees a relatively large indebtedness entirely without the consent of the United States and in absolute contravention to the terms of the convention. The Government of the United States finally gave its approval, with reluctance, to an increase of a million and one-half dollars of the public debt of Santo Domingo, because it was thought that the Nouel administration could not survive unless it repaid those to whom money was due.

It seems to have been represented that one and one-half million dollars would suffice to pay the current debts of the Dominican Republic at that time. This proved to be untrue. The payment of certain accounts, and the ignoring of others resulted in hard feelings on the part of those unpaid and in severe criticism of the Bordas government, which followed the short-lived administration of Archbishop Nouel.

Again, in 1913, this Government studied the Dominican problem with especial care and deep interest and sympathy. Governor Osborne, First Assistant Secretary of State, was charged with the duty of calling the attention of the administration of José Bordas Valdés to the necessity properly to respect and to live within the terms of the convention. To his representations, Governor Osborne received assurances that the Dominicans would accommodate expenditures to revenues, and that they would faithfully observe the terms of the convention.

Within a few months after the visit of Governor Osborne, it became only too apparent that there was general carelessness and improvidence in all financial matters; that the Bordas administration, without obtaining the consent of the United States, was increasing its indebtedness on every hand in an alleged effort to put down a revolution; and that the salaries of Government employees were not being paid, which caused so much discontent as to threaten the stability of the Bordas régime.

Seeking a remedy for these distressing conditions, the United States, after careful consideration, became convinced that a regular payment of salaries to all employees of the Government would go far to remove the odium to which officials of the Bordas Government were becoming subjected, and thus allay, if not prevent, the armed protests which starvation and abuse were slowly forcing upon employees of the Government. For this purpose, the United States viewed with favor a suggestion to secure for the Dominican Republic some form of financial control, in the hope that thereby a remedy would result, at least in part, by securing an adjustment of expenditures to revenues. Actuated by the highest motives and in the belief that a competent financial comptroller would be of material assistance, the Department of State conferred freely with Mr. Peynado, the Dominican Minister to the United States, and later with Mr. Soler, who succeeded Mr. Peynado.

[11] For. Rel. 1912, pp. 366 et seq.

These conferences and the many and extended communications passed between the Governments resulted in the appointment of a financial adviser to the Dominican Republic. So keen, however, was the rivalry between the various contending political factions, that no loan plan was approved at that time.

During eight months the financial adviser exercised his functions to the best of his ability and achieved the saving of considerable sums, in so far as it was possible, to the Government. Due to his active services, Government employees were regularly paid, but this novel condition did not obtain over a period sufficient to demonstrate whether an honest handling of public funds would permanently remove one of the main causes of factional strife.

The continuous state of internal disturbance which existed in the Dominican Republic from the time of the arrival of the financial adviser until the retirement of the Bordas administration (when the Provisional Government of Dr. Báez assumed control of that Republic), resulted in the failure to confirm or ratify the official recognition of the office of financial adviser.

Prior to the recognition of the Jiménes Government by the United States, Mr. Jiménes and Mr. Velásquez assured this Government that the appointment of the financial adviser would be ratified and, in addition to this, other assurances were given, but not respected.

Even so, the Department, anxious to cooperate with Dominicans in every proper way, received the commission which President Jiménes sent to Washington. In view of that body's firm assurance that the Dominicans would live within their revenues, provided the office of financial adviser were abolished, the Department, in June, 1915, acquiesced in many of the suggestions submitted by the Dominican Executive through the special commission, which visited Washington in that month. Since the departure of that commission the Department has confidently expected that the Dominican Government would receive sympathetically, and respect in full, according to agreement, the indications of the receivership, to which by common consent the modified powers of the financial adviser had been transferred.

The Department has awaited the receipt of some plan looking to the adjudication and final liquidation of the very considerable current indebtedness which has been accumulating slowly under previous administrations and rapidly under the Jiménes administration, and it has naturally expected to be informed that the daily increase of this indebtedness had ceased.

To its surprise and deep regret, no favorable information has come to hand. From a variety of sources advices have been received that the Jiménes Government is increasing the indebtedness of the Dominican Government at the rate of from one to three thousand dollars per day. In addition to this it is alleged that the extreme peculations taking place in the collection of the internal revenues are being used largely to benefit politicians, while the civilian employees of the Government go unsalaried and unfed. So extreme does the struggle for a division of the spoils appear to be, that natural remedies, such as a loan, which, if properly used to defray current indebtedness, would be of very material value in the proper conduct of economic affairs, go unconsidered. It is said that the financial policy now pursued can but result in the Government playing into the hands of money lenders.

The present current indebtedness is variously described at from five to seven million dollars. This staggering statement clearly indicates the existence of some fundamental improprieties in the present Government. If tribute is being paid to prevent those who otherwise would do so from starting revolutions, if the officers of the Jiménes Government are enriching themselves and leaving in want civilian employees of the Government, it can but be manifest that such a state of discontent will soon be reached as will threaten the very existence of the present administration.

Complaints against the Government of President Jiménes are general, incipient revolutions have been afoot for more than a month, and no adequate steps have been taken to provide the prompt measures necessary to quell those uprisings against the government, at their birth.

It is, therefore, evident that since 1910 there has been a continuous violation of the provisions of the convention of 1907, especially in that part which reads:

> Until the Dominican Republic has paid the whole amount of the bonds of the debt its public debt shall not be increased except by previous agreement between the Dominican Government and the United States.

In direct contravention of the foregoing solemn undertaking, the Dominican debt has been increased by some seven millions of dollars. Closely associated with this regrettable failure to comply with treaty obligations, there has been a continual internecine struggle to obtain control of the Government and Government funds, which has resulted in a state of revolution so continuous as almost entirely to interrupt all national development in the Republic.

It is not amiss here to recall that in 1907 the indebtedness of the Republic amounted approximately to thirty million dollars, which through the good offices of the United States, was finally reduced to some seventeen million dollars. Twenty million in new bonds were then issued, which, with the four million in cash accumulated under the *modus vivendi*, enabled the Dominican Government to pay its adjudicated debt of seventeen million, purchase and extinguish certain onerous concessions at a cost of one and one half million, and provide a handsome surplus for public works necessary to rehabilitate the deplorable condition of the country. Since that time, aside from paying interest, the total of twenty millions has been reduced by some three and one half million; this reduction being accomplished by payments made under the convention, and through earnings thereon.

During this same time, and without achieving the least permanent good, the various administrations in the Dominican Republic have, in direct violation of the convention, increased the total debt of the Republic by about seven million dollars. It is, therefore, self-evident that should this procedure be allowed to continue, the life of the convention may be eternal, and the objects for which it was created and enacted, be defeated.

While this Government has recognized its perfect right to insist that the Dominican Republic should observe all the obligations of the Convention of 1907, especially those regarding the increase of the public debt and the obligation to give full protection to the general receiver, so that the free course of the customs should not

be interrupted, it has now, for the first time, determined that further violations of the obligations of the convention, which the Dominican Republic freely assumed, shall cease.

The Department maintains that a strict compliance on the part of the Dominican Government, of clause III of the convention of 1907, in which the Dominican Government is prohibited from making any increase in its public indebtedness without the sanction of this Government, will constitute a most effective deterrent to all those who might contemplate the instigation of political disorders, to which the Republic has been subject for many years. The creation of a floating indebtedness, directly or indirectly, must certainly be interpreted as contravening the provisions of the convention of 1907. Failure to meet budgetary expenses, the appropriation of sums in excess of probable revenues, the purchase of supplies and materials no adequate provision for the payment of which has been made, are considered by this Department as a contravention of clause III and should be discouraged.

It is the opinion of the Department that the wisest course to be adopted to attain this end will be to secure the conclusion of an amended convention, more comprehensive than that of 1907.

If, however, it should become apparent that this cannot be accomplished, you will so report to the Department, and, after receiving the necessary instructions, you may then send to the Dominican Minister for Foreign Affairs a note setting forth the vital parts of this instruction, and render the interpretation of the Convention of 1907, as set forth in enclosure hereto, which should secure immediately the appointment of a financial adviser, and provide for the organization of an adequate customs guard or constabulary.

The Department intends to request the detail of an officer of Engineers of the United States Army, in the capacity of military attaché to your Legation, who will make a careful inspection of all public works heretofore constructed under American supervision, on which more than two and one half million dollars have already been expended, and who, after thorough examination into the needs of the Republic, will make such recommendations as in his best judgment seem most advantageous, for the employment of the remainder of the public works fund.

It is needless to point out to you the great interest taken by the President in the success of your present mission and the particular satisfaction it will afford should you meet with success in your endeavors to carry out the purpose of this Government to establish lasting peace and so to secure an orderly development of the natural resources of the Republic.

I am [etc.]

FRANK L. POLK.

[Inclosure.]

You may inform the Government to which you are accredited, that the United States interprets the convention of 1907 to give it the right:

A. To compel the observation of Article III of the convention in the appointment of a financial adviser.

B. To provide for the free course of the customs by the organization, on a much larger scale, of what is now known as the Dominican Customs Guard, or by the creation of a constabulary.

File No. 839.51/1616.

The Acting Secretary of State to Chargé Johnson.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, September 21, 1915—6 p. m.

Department appreciates the seriousness of the economic situation which confronts the Minister of Finance and suggests that a precise statement showing amounts of internal revenue collectible and Dominican Republic's total income and outgo must be made, verified by receivership, and submitted to the Department before it can seriously consider a loan.

In addition to this, a complete examination, audit, and if possible adjudication of the floating debt should be made and forwarded to the Department immediately after verification by receivership.

Minister Russell expects to sail for Santo Domingo Thursday; shortly after his arrival he will propose the adoption of measures calculated to give practical and, it is hoped, permanent relief.

POLK.

File No. 839.51/1618.

DEPARTMENT OF STATE,
Washington, September 28, 1915—7 p. m.

While the Department views with sympathetic interest efforts of Dominican Republic looking to retrenchment and economy in administration and is deeply interested in the financial rehabilitation of the Republic, it is constrained to believe that any further increase of indebtedness to the Convention Fund should not be incurred unless some satisfactory plan for repayment be first arranged, such as that now proposed by the Dominican Government through a loan, to obtain which the Department is ready to lend all proper assistance and therefore has requested the data as set forth in its telegram of September 21, 6 p. m.

POLK.

File No. 839.51/1640.

Minister Russell to the Secretary of State.

[Extract.]

No. 13.] AMERICAN LEGATION,
Santo Domingo, October 29, 1915.

SIR: I have the honor to report that the financial situation of the Dominican Republic is rather desperate and calls for immediate attention. I enclose you herewith copies and translations of memoranda furnished me by the President.[6] From these memoranda it appears that there is a daily deficit of $1280, with a daily income of $6000. The Minister of Finance informs me that the daily deficit is at least $3000.

The customs receipts this year will approach very near to the $4,000,000 mark, and if all of the internal revenues could be relied

[6] Not printed.

on to reach the treasury the total revenues of the Government would be more than sufficient to meet budgetary expenses. The total indebtedness of the Government is somewhere in the neighborhood of $5,000,000. The auditor of the treasury is at least six or seven years behind with his books and it would take a force of expert accountants at least a year to bring order and intelligence out of this chaos.

A very considerable part of the debt is represented by stamped paper in the hands of speculators who purchased it at an enormous discount, and which has been canceled by the Government, thereby creating a claim. It would seem that the holders of this paper should only be reimbursed in the amount invested, with a fair rate of interest, or that some equitable arrangement should be made by which the holders could receive on certain securities of this character a reasonable advance plus interest to be agreed upon.

Large sums of money not provided for in the budget are being expended daily on what is known as "raciones"—sums for maintaining the military, republican guard, and other quasi military bodies. The budget carries an appropriation of $25,000 a year for a corps of generals under the orders of the President. This sum is being drawn in monthly quotas. The sum of $2000 per day is being expended in "raciones" (rations).

The present Minister of Finance is a very honest man, and is earnestly striving to reduce expenditures and eliminate filtration. Internal revenues amount to only $450,000 annually that reach the treasury—they should be at least $1,200,000 with economical, honest and efficient methods of collection. The Minister of Finance informs me that the budget is to be reduced in the sum of $800,000 by the Congress called for October [November] 20.

Back salaries due under this administration amount to about $200,000.

Congress may be induced to sanction the reforms planned by the Minister of Finance from selfish motives, as all their salaries and mileage will have to be paid from the proceeds of a loan, or advances to be refunded from a loan. The Minister of Finance is really in earnest in his program for economy and reform, and says that he has the promise of support from Congress.

I have [etc.]

WILLIAM W. RUSSELL.

File No. 839.51/1632.

The Secretary of State to Minister Russell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 4, 1915—4 p. m.

Before considering increase of indebtedness to convention fund and proposed loan or any non-constructive measures which would afford but temporary relief, the Department will await a report of your efforts to obtain revised convention contemplated in instruction No. 139 of September 17, which was drawn solely with a view to assist the Dominican Government in devising some means to provide permanent financial relief, to improve present unsatisfactory land

laws, and to preserve public order so as to secure Dominicans in the peaceful development of the vast natural resources of their country.

LANSING.

File No. 839.51/1635.

Minister Russell to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Santo Domingo, November 5, 1915—5 p. m.

Your November 4, 4 p. m. By last mail, due New York about 8th, I have reported on improbability of securing approval of Congress to amendments to convention outlined in your instruction No. 139. President still absent from the city and uncertain when he will return. Minister of Finance still requests approval of advances to pay salaries and says that disbursement of all such advances will be absolutely controlled by Johnston who can withhold payment if not legitimate or there is any attempt to divert sums for other purposes. I still strongly advise against any advances unless controlled by receivership as well as all disbursements of Government. The one thing Congress is very sure to do will be the authorization for a loan. I am of the opinion that the issue should be made at once, and that after Department receives my number 13, October 29, I be instructed by cable to proceed in accordance with instructions in your No. 139.

RUSSELL.

File No. 839.51/1648.

Minister Russell to the Secretary of State.

[Extract.]

No. 22.] AMERICAN LEGATION,
Santo Domingo, November 8, 1915.

SIR: Referring to my No. 13 of the 29th ultimo, I have the honor to report that the financial situation is still in a hopeless state. I have had several interviews with the Minister of Finance, who is a very upright man, sincerely intent upon reforms, and whom, under different circumstances, it would be good policy to aid.

The receivership pays to the Government as its share of customs receipts $28,000 weekly on account of the sum due at the end of the month. One quota of $28,000 was paid on the first of the month and a similar quota is to be paid to-day. The deputy receiver general states that the amount due the Government for this month can not fall below $125,000, at the lowest, so that with the four weekly quotas of $28,000—$112,000—the Government would still have due it at least $13,000 at the end of this month. The Minister of Finance requested the deputy receiver, in line with this method of payment, to advance to-day three weekly quotas of $28,000 instead of one—this for the purpose of paying salaries due in the Cibao, and making payments to senators and congressmen, who it is stated will not come to the capital unless paid. The deputy receiver called to

see if I could not have these advances approved. I advised him to take no such action without special instructions, as I was sure that the State Department would not approve.

The Minister of Finance says he is reasonably certain that Congress will adopt his plan of reforms, but there is grave doubt of this.

The amount of the Government's share of the customs receipts for September was $138,000; for October, $139,000; so that the amount of $125,000 as probably due at the end of this month is reasonably safe.

If a loan is approved by Congress, from which is to be paid salaries in arrears, it is a question as to whether this will result in a benefit to the country. Speculators, among whom figure prominent political personages, have bought up these salary accounts at a very high rate of discount, so that money paid on this account will go into the pockets of these speculators who are expecting a loan for this very purpose. So that as urgent as is the need of money the approval for a loan might not bring relief to the people, and unless Congress enacts the necessary laws for retrenchment and reform, and there is complete control of the disbursements of the Government, history will repeat itself and the same conditions will be continuously arising.

I have [etc.]

WILLIAM W. RUSSELL.

File No. 839.51/1641.

Minister Russell to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, November 10, 1915—5 p. m.

Minister of Finance today requested advance of $60,000 a month for two or three months giving receivership control all budget disbursements. In case Congress passed reform program to be presented at the end of this month advances from the receivership would be covered from public works funds in Guaranty Trust Company, these latter to be paid back with a part of the loan to be negotiated for canceling the public debt. In case Congress did not pass loan bill or in case advance in question were not used for the purpose indicated, namely, payment of salaries, receivership would have right to withhold advances and could reimburse itself by retaining two thousand dollars daily of Government portion of collections. Minister of Finance wanted me to authorize this without consulting Washington and upon my explaining that it was impossible to do so stated that he could no longer continue in office and would resign immediately. Crisis of some sort imminent and if Congress authorizes loan when approval is asked of our Government I think moment most opportune to withhold all approval until we can secure amendments to convention suggested in your instruction number 139, in the meanwhile presenting at once note in accordance with instructions just referred to as requested in my telegram of November 5, 5 p. m.

Minister of Finance agrees to continue in office until Department answers this telegram and his request now is for two advances of sixty thousand dollars each.

Receivership informs me that they interpret their instructions as allowing advance at once up to total probable balance of Government share for November under system of weekly quotas of twenty-eight thousand dollars and pursuant to this interpretation they expect to advance up to total balance for November within the next few days. Control offered by Minister of Finance is an administration order giving receivership power to verify in the office of the controller that advances will be used for the purposes for which they are made and that war or other expenditures shall not exceed budget provision and if ascertained that budget being violated, advances not yet made to be withheld. This control, if effective, would endanger passage of the proposed and original agreement and probably under such an order Johnston will not dare to go so far. Please reply by telegraph immediately.

RUSSELL.

File No. 839.51/1641.

The Secretary of State to Minister Russell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 14, 1915—5 p. m.

Referring to your November 10, 5 p. m. you may present note rendering interpretation contemplated in enclosure to instruction 139 of September 17.

The Department would prefer to have the office of financial adviser so established that it would not be subject to abolishment by future administrations. But in view of past experiences with financial adviser as such the Department is willing to have his duties and rights vested in the receivership, provided that it is properly authorized to exercise full budgetary control and all the powers of a financial expert, as described in the Department's letter of June 1, 1914, to Charles M. Johnston,[12] excepting only the portions of the seventh duty thereof which refer to control over receivership.

In insisting upon constabulary, you will not fail to point out that once organized it will provide ample protection to constituted authority at a minimum of cost and that it will be subject to the central control which would place it beyond the domination of provincial administrators. The maintenance of the constabulary will be less onerous and far more effective than the present system of army, and customs guard and guardia republicana.

Upon receipt by you of note accepting above conditions Department will if you so recommend arrange advance of one hundred twenty thousand dollars.

LANSING.

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[12] See For. Rel. 1914, p. 236.

File No. 839.51/1651.

Minister Russell to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Santo Domingo, November 20, 1915—5 p. m.

Note presented to Minister for Foreign Affairs yesterday.[13]. Congress called for today but there was no session. It seems pretty certain that Horacistas will use our demands in propaganda to start revolution. Some possibility that President may resign and Congress would have to name successor until elections are held. Desiderio Arias in conjunction with Vidal can control Congress and Arias would undoubtedly be named President which would be terrible calamity to the country. How far will the Department go to prevent this if President should resign? If anything is done it must be along the line of preventing Congress from electing Arias or any tool of his.

RUSSELL.

File No. 839.15/1651.

The Secretary of State to Minister Russell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 26, 1915—5 p. m.

Department trusts situation foreshadowed in your November 20, 5 p. m. will not materialize. The resignation of President Jiménes would be a matter of regret and concern. The Department will be glad if you will so inform him and assure him of our support in any efforts that he may undertake with a view to secure peace and prosperity in Santo Domingo.

LANSING.

File No. 839.51/1648.

DEPARTMENT OF STATE,
No. 14.] *Washington, November 30, 1915.*

The Acting Secretary of State to Minister Russell.

SIR: The Department has received your No. 22, of the 8th instant, in which you report that the financial situation in the Dominican Republic is still in a hopeless state.

The Department approves your action in advising the deputy receiver general of Dominican customs against making the advances mentioned in paragraph two of your despatch.

I am [etc.]

FRANK L. POLK.

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[13] The text of this note is printed, post, as inclosure 1 with despatch 30 of December 9, p. 333.

File No. 839.51/1651.

The Secretary of State to Minister Russell.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 2, 1915—11 a. m.

Your November 20, 5 p. m. and Department's November 26, 5 p. m. You may also discreetly inform any person or persons scheming to overthrow the Jiménes Government or to force the resignation of the President, that this Government will make such use of the means at its command as may be necessary to maintain the present constituted authorities, to support them in their efforts to secure peace and prosperity for their country, and to prevent the recurrence of bloodshed and anarchy.

LANSING.

File No. 839.51/1664.

Minister Russell to the Secretary of State.

No. 30] AMERICAN LEGATION,
Santo Domingo, December 9, 1915.

SIR: I have the honor to inform you that soon after the President's return to the capital I had an interview with him on the subject matter of the note I presented to the Government on the 19th of November.[14] The whole country had been flooded with exaggerated reports as to our demands and anti-American feeling ran high. The Minister for Foreign Affairs had refused to give information to the press or public as to the contents of the note, and his reticence gave rise to all sorts of rumors circulated for political purposes. Patriotic meetings were held in the North and societies formed for the purpose of exciting the people to prepare themselves against the foreign invader.

The President had been informed from here of the presentation of the note, and he telegraphed General Horacio Vasquez to come to the capital to consult on "grave affairs." Vasquez arrived here and was given a tremendous ovation, and "down with the Yankees" was the slogan of the hour. General Vasquez requested an interview with me, which was given him, and he had a conference of two hours. He talked of the mal-administration of President Jiménes and the necessity for an immediate change. I informed him of the attitude of our Government as per your telegraphic instructions, and he was more conciliatory. He said that he and his party were opposed to any revolutionary movement looking to the overthrow of President Jiménes, or forcing his resignation; that he was desirous of supporting the President, but that owing to the economic crisis he would insist immediately upon the reforms suggested by our Government, consonant with patriotism.

Luis Felipe Vidal, the leader of the "legalistas" also had an interview with me, and talked of the impeachment of the President. His tone also changed when I acquainted him with the attitude of our Government.

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[14] See the instructions therefor in the Department's telegram of November 14, 5 p. m., p. 330. The note is below, Inclosure 1.

The President dwelt at some length upon the injustice of holding his administration responsible for the bad condition of the country and the financial deficit, when, as he stated, previous administrations were to blame.

I have been persistently regaled with dissertations on the bad faith of our Government in the matter of the incompetency of the American officials sent here in positions of trust. I have replied to all these complaints that the Government was not aware of these conditions, and that if the Dominican Government placed the matter before me I would bring it to the attention of the State Department and the question would be arranged. The President said that he would prepare a memorandum to be presented through the Foreign Office. I am waiting for this memorandum to forward with my report in connection therewith.

I am inclosing herewith copies and translations of the correspondence between this Legation and the Government in the matter of the note.

Congress is in session and is considering the new budget presented to it, which is some $300,000 less than the present budget.

The public debt, including nominal value of claims presented amounts to over $6,000,000 and the claims commission is still at work.

Excitement has subsided for the present, but the situation is difficult on account of the intriguing ambitions of the several members of the Cabinet.

I am [etc.]

WILLIAM W. RUSSELL.

[Inclosure 1.]

Minister Russell to the Minister for Foreign Affairs.

No. 14.] AMERICAN LEGATION,
Santo Domingo, November 19, 1915.

MR. MINISTER: In accordance with instructions I have the honor to say to your excellency that the Government of the United States is anxiously concerned over the present unsettled conditions, both political and financial, in the Dominican Republic. My Government, by reason of the obligations assumed and by virtue of the authority given under the provisions of the convention concluded on February 8, 1907, is particularly interested in the material progress and welfare of the Dominican Republic and to that end is most anxious to secure the early establishment of a permanent peace throughout the country.

The two or three years following the enactment of the Dominican convention in 1907 seem to have passed without a violation on the part of the Dominican Government of clause III of that convention. Since 1910, however, it appears that the exigencies of the conditions in the Republic, have gradually caused first one of its administrations and then another to disregard the provisions of clause III of the solemn covenant entered into between the United States and the Dominican Republic. The Government of the United States, finding the administration of affairs at Santo Domingo in a deplorable condition, towards the close of 1912, was compelled to send delegates from the Departments of State and War, Mr. Doyle representing the former and General McIntyre the latter, to compose the difference of factional leaders. The result of their friendly good offices was that Archbishop Nouel became President.

Before this event the Dominicans had incurred by degrees a relatively large indebtedness entirely without the consent of the United States and in absolute contravention to the terms of the convention. The Government of the United States finally gave its approval, with reluctance, to an increase of a million and one half dollars of the public debt of Santo Domingo, because it was

thought that the Nouel administration could not survive unless it repaid those to whom money was due.

It seems to have been represented that one and one-half million dollars would suffice to pay the current debts of the Dominican Republic at that time. This proved to be untrue. The payment of certain accounts, and the ignoring of others resulted in hard feelings on the part of those unpaid and in severe criticism of the Bordas Government, which followed the short-lived administration of Archbishop Nouel.

Again, in 1913, my Government studied the Dominican problem with especial care and deep interest and sympathy. Governor Osborne, First Assistant Secretary of State, was charged with the duty of calling the attention of the administration of José Bordas Valdés to the necessity properly to respect and live within the terms of the convention. To his representations, Governor Osborne received assurances that the Dominicans would accommodate expenditures to revenues, and that they would faithfully observe the terms of the convention.

Within a few months after the visit of Governor Osborne, it became only too apparent that there was general carelessness and improvidence in all financial matters; that the Bordas administration, without obtaining the consent of the United States, was increasing its indebtedness on every hand in an alleged effort to put down a revolution; and that the salaries of Government employees were not being paid, which caused so much discontent as to threaten the stability of the Bordas régime.

Seeking a remedy for these distressing conditions, the United States, after careful consideration, became convinced that a regular payment of salaries to all employees of the Government would go far to remove the odium to which officials of the Bordas Government were being subjected, and thus allay, if not prevent, the armed protest, which starvation and abuse were slowly forcing upon employees of the Government. For this purpose, the United States viewed with favor a suggestion to secure for the Dominican Republic some form of financial control, in the hope that thereby a remedy would result, at least in part, by securing an adjustment of expenditures to revenues. Actuated by the highest motives and in the belief that a competent financial comptroller would be of material assistance, the Department of State conferred freely with Mr. Peynado, the Dominican Minister to the United States, and later with Mr. Soler, who succeeded Mr. Peynado.

These conferences and the many and extended communications passed between the Governments resulted in the appointment of a financial adviser to the Dominican Republic. So keen, however, was the rivalry between the various contending political factions, that no loan plan was approved at that time.

During eight months the financial adviser exercised his functions, to the best of his ability and achieved the saving of considerable sums, in so far as it was possible, to the Government. Due to his active services, Government employees were regularly paid, but this novel condition did not obtain over a period sufficient to demonstrate whether an honest handling of public funds would permanently remove one of the main causes of factional strife.

The continuous state of internal disturbance which existed in the Dominican Republic from the time of the arrival of the financial adviser until the retirement of the Bordas administration (when the Provisional Government of Dr. Báez assumed control of the Dominican Republic), resulted in the failure to confirm or ratify the official recognition of the office of financial adviser.

Prior to the recognition of the Government of President Jiménes, by the United States, President Jiménes and Mr. Federico Velasquez assured my Government that the appointment of the financial adviser would be ratified and, in addition to this, other assurances were given, but not respected.

Even so, the Department of State, anxious to cooperate with Dominicans in every proper way, received the commission which President Jiménes sent to Washington. In view of that body's firm assurances that the Dominicans would live within their revenues, provided the office of financial adviser were abolished, the State Department, in June, 1915, acquiesced in many of the suggestions submitted by the Dominican Executive through the special commission, which visited Washington in that month. Since the departure of that commission the Department of State has confidently expected that the Dominican Government would receive sympathetically, and respect in full, according to agreement, the indications of the receivership, to which by common consent the modified powers of the financial adviser had been transferred.

The Department of State has awaited the receipt of some plan looking to the adjudication and final liquidation of the very considerable current indebtedness which has been accumulating slowly under previous administrations and rapidly under the Jiménes administration, and it has naturally expected to be informed that the daily increase in this indebtedness had ceased.

To its surprise and deep regret, no favorable information has come to hand. From a variety of sources advices have been received that the Government of President Jiménes is increasing the indebtedness of the Dominican Government at the rate of from one to three thousand dollars per day. In addition to this it is alleged that the extreme peculations taking place in the collection of the internal revenues are being used largely to benefit politicians, while the civilian employees of the Government go unsalaried and unfed. So extreme does the struggle for a division of the spoils appear to be, that natural remedies, such as a loan, which, if properly used to defray current indebtedness, would be of very material value in the proper conduct of economic affairs, go unconsidered. It is said that the financial policy now pursued can but result in the Government's inevitable bankruptcy.

The present current indebtedness is variously described at from five to seven million dollars. This staggering statement clearly indicates the existence of some fundamental improprieties in the present Government. If tribute has been paid to prevent those who otherwise would do so, from starting revolutions, or to quell incipient revolutions; if the officers of the Government of President Jiménes are enriching themsleves and leaving in want civilian employees of the Government, it can but be manifest that such a state of discontent will soon be reached as will threaten the very existence of the Dominican Republic.

It is, therefore, evident that since 1910 there has been a continuous violation of the provisions of the Convention of 1907, especially in that part which reads:

> Until the Dominican Republic has paid the whole amount of the bonds of the debt its public debt shall not be increased except by previous agreement between the Dominican Government and the United States.

In direct contravention of the foregoing solemn undertaking, the Dominican debt has been increased by some seven millions of dollars. Closely associated with this regrettable failure to comply with treaty obligations, there has been a continual internecine struggle to obtain control of the Government and Government funds, which has resulted in a state of revolution so continuous as almost entirely to interrupt all national development in the Republic.

It is not amiss here to recall that in 1907 the indebtedness of the Republic amounted approximately to thirty million dollars, which, through the good offices of the United States, was finally reduced to some seventeen million dollars. Twenty million in new bonds were then issued, which, with the four millions in cash accumulated under the *modus vivendi*, enabled the Dominican Government to pay its adjudicated debt of seventeen million, purchase and extinguish certain onerous concessions at a cost of one and one half million, and provide a handsome surplus for public works necessary to rehabilitate the deplorable condition of the country. Since that time, aside from paying interest, the total of twenty millions has been reduced by some three and one half million; this reduction being accomplished by payments made under the convention, and through earnings thereon.

During this same time, and without achieving the least permanent good, the various administrations in the Dominican Republic have, in direct violation of the convention, increased the total debt of the Republic by about seven million dollars. It is, therefore, self-evident that should this procedure be allowed to continue, the life of the convention may be eternal, and the objects for which it was created and enacted, be defeated.

While my Government has recognized its perfect right to insist that the Dominican Republic should observe all the obligations of the convention of 1907, especially those regarding the increase of the public debt and the obligation to give full protection to the general receiver, so that the free course of the customs should not be interrupted, it has now, for the first time, determined that further violations of the obligations of the convention, which the Dominican Republic freely assumed, shall cease.

The Department of State maintains that a strict compliance on the part of the Dominican Government, of clause III of the Convention of 1907, in which the Dominican Government is prohibited from making any increase in its public indebtedness without the sanction of the Government of the United States, will constitute a most effective deterrent to all those who might contemplate the insti-

gation of political disorders, to which the Republic has been subject for many years. The creation of a floating indebtedness, directly or indirectly, must certainly be interpreted as contravening the provision of the Convention of 1907. Failure to meet budgetary expenses, the appropriation of sums in excess of probable revenues, the purchase of supplies and materials, no adequate provision for the payment of which has been made, are considered by the Department of State as a contravention of clause III and should be discouraged.

My Government therefore has decided that the American-Dominican Convention of 1907 gives it the right:—

A. To compel the observance of article III by insisting upon the immediate appointment of a financial adviser to the Dominican Republic, who shall be appointed by the President of the Dominican Republic, upon designation of the President of the United States, and who shall be attached to the Ministry of Finance to give effect to whose proposals and labors the Minister will lend all efficient aid. The financial adviser shall render effective the clauses of the Convention of 1907 by aiding the proper officials of the Dominican Government in the adjudication and settlement of all its outstanding indebtedness; devise and inaugurate an adequate system of public accountability; investigate proper means of increasing the public revenues and of so adjusting the public disbursements thereto that deficits may be avoided; inquire into the validity of any and all claims which may be presented against the Dominican Government; countersign all checks, drafts, warrants or orders for the payment of Dominican funds to third parties; enlighten both Governments with reference to any eventual debt and to determine if such debt is or is not in conformity with the convention of 1907; compose whatever differences may arise between the receivership and the Department of Treasury and Commerce, in which matters not requiring the intervention of both Governments are involved; assist the proper officials of the Dominican Government in the preparation of the annual budget and to aid them in correlating the governmental expenditures thereto; recommend improved methods of obtaining and applying the revenues and make such other recommendations to the minister of finance as may be deemed necessary for the welfare and prosperity of the Dominican Republic; provided, that the authority of the general receiver as described in article I, to collect and apply the customs revenues shall in no way be affected by this interpretation.

B. To provide for the free course of the customs and prevent factional strife and disturbances by the creation of a constabulary, which the Dominican Government obligates itself, for the preservation of domestic peace, security of individual rights and the full observance of the provisions of the convention, to create without delay and maintain. This constabulary shall be organized and commanded by an American to be appointed, as "Director of Constabulary," by the President of the Dominican Republic, upon nomination of the President of the United States. In like manner there shall be appointed to the constabulary such other American officers as the director of constabulary shall consider requisite; also there shall be appointed by the President of the Dominican Republic, on the nomination of the director of constabulary, such Dominican officers as, in the judgment of the director of constabulary, may be desirable from the standpoint of efficiency. The Dominican Government shall clothe these officers with the proper and necessary authority and uphold them in the performance of their functions. The Dominican Government shall authorize for the constabulary such commissioned officers, and enlisted men (non-commissioned officers and privates) as the director of constabulary may deem necessary for the proper preservation of peace and order, within the Republic, and shall ratify and promulgate such regulations as to pay of personnel, enlistment, appointment and reduction of non-commissioned officers, discharge, discipline, etc., as the director of constabulary may recommend; provided that the President of the United States shall decide any question of regulation affecting the organization upon which the Dominican Government and the director of constabulary may fail to agree, and shall by agreement with the Dominican Republic fix the salary of the director of constabulary.

The constabulary thus provided for, shall, under the direction of the Dominican Government have supervision and control of the arms and ammunition, military supplies and traffic therein, throughout the country.

In regard to the financial adviser I will say to your excellency that my Government would prefer to have this office so established that it would not be in danger of being abolished by future administrations, but, in view of past experiences with the post of financial adviser, is willing to have his rights and duties vested in the receivership, provided that said receivership is properly

authorized to exercise full budgetary control, and is given all the powers herein set forth in section "A."

In insisting upon the establishment of the constabulary your excellency can not fail to see that its organization will afford ample protection to the constituted authorities at a minimum of cost, and will be subject to the control of the central Government, thus placing it beyond the domination of provincial administrators; and the maintenance of this constabulary will be less onerous and far more effective than the present system of the army and customs guard, and guardia republicana.

In requesting your excellency to give this matter your serious and immediate consideration,

I take [etc.]

W. W. RUSSELL.

[Inclosure 2—Translation.]

The Minister for Foreign Affairs to Minister Russell.

No. 582.] MINISTRY FOR FOREIGN AFFAIRS,
Santo Domingo, Dec. 8, 1915.

Mr. MINISTER: I acknowledge receipt of your courteous note No. 14 of the 19th of last month.

The President of the Republic on his return and after being acquainted with the contents of said note has instructed me to state to you as follows.

The Dominican Government has done everything in its power to avoid and later suppress disorders which have given rise to expenses and a consequent unstable condition of public finance to which your excellency refers in said note. It avoided said disorders with a due regard to the laws, guaranteeing to each citizen his rights, although some were making seditious use of said rights.

Disorders were repressed by detaching armed troops to combat the rebellion and succeeded in putting it down completely. But the Dominican Government, like any other government in the world in like case, could not prevent that public disorder and the sacrifices made to re-establish order were burdensome to the public finances and even interrupted the orderly march of institutions and the collection of internal revenue.

So sincere has been the purpose of the Dominican Government to rectify these irregularities and adopt a program of strict organization in all branches, that the increase in the frontier guard and the decree lately issued in regard to arms and ammunition are giving those satisfactory results that were looked for, administratively as well as politically.

It is not the Government's fault that the enemies of public peace, in less than a year, raised the standard of revolt on three different occasions, requiring the use of resources and energies which it was always the purpose to apply to the development of the great interests of the country.

Public order disturbed, the prime duty was to restore it. Without peace there is no progress, nor welfare, nor organization. Proof of all this was the offer which, throught your Legation, the American Government made, months previous, an offer which the Dominican Government appreciated but which it could not accept. And this, because each nation has what might be called its national criterion, and it is indisputable that ours, still very young, looks always with the greatest fear on all interference which later may bring vexatious questions in regard to its sovereignty.

After the termination of the civil war, which undoubtedly gave rise to involuntary irregularities in the carrying out of the "Law of public disbursements"; on account of the supreme obligation and the unavoidable necessity to restore peace the Dominican Government has devoted itself in an unequivocal manner to the task of strengthening, not only the political conditions, but also the economic and financial conditions of the Nation. For that purpose Congress was called and there has been submitted to it a project of a "Law of public disbursements" consonant with present revenues, and there will be shortly other projects of law also submitted, all tending to restore financial normality, as the Government not only desires to bring this about, but also sees the imperious necessity of its accomplishment, as it is well aware that stability

does not arise from armed forces, but from the harmonious march of all the healthly activities of the country.

The answer which Don Juan I. Jiménes and Don Federico Velásquez y H., chiefs of the coalition parties, gave to the Honorable J. C. White prior to the taking of the oath of office by the former, carries with it the assurance of continuing to respect the acts of former Governments, as they thought then and consider to-day that the Power cannot be considered as continuous.

As a proof of such an affirmation and in view of the fact that the creation of the office of financial expert lacked legislative sanction, the present Executive Power submitted to Congress, with its observations, a bill relative to this matter.

When the present Government was inauguratetd a financial instability existed. In addition to the large expenditures in the administration of General José Bordas Valdés, and of the four million dollars of stamped paper which had disappeared from the National Treasury, the present Government found that the administration of Dr. Báez had left a deficit of $269.609.34 due the public works fund, and also $100,000 for salary due Government employees. This brief statement will be opportunely amplified by an explanatory communication which will give a true statement of the public debt and will show your excellency that the present Government cannot be charged with the responsibility in the matter, and show at the same time how exaggerated has been certain data which it appears has been submitted to your excellency.

It is perfectly well understood that the convention is a treaty, is an international law which fixes with precision the duties of each one of the contracting parties.

The present administration aspires to maintain itself within its provisions and calls attention to the fact that the irregularities caused by the maladministration of previous governments and of the three revolutions that occurred during this administration, have in no wise affected the service of the public debt, which is religiously paid, and the bonds maintain a value in foreign markets which emphasizes the seriousness with which international agreements are carried out.

For the reason that it is not likely to bring about the end desired, the Government does not acquiesce in the suggestion of your excellency to secure the reestablishment of the office of the financial expert, eliminated by agreement between the two Governments after the Washington Government heard the statements of the Dominican commission. The financial expert serves no useful purpose because, even though his work should be advantageous for the one side, on the other side it would constitute a permanent element of intranquility and annoyance for the Dominican people who have unanimously expressed themselves as opposed to such an official. To re-establish this office therefore, would be cause for stirring up an absolutely dangerous public sentiment. And as the purpose of the American Government is to sincerely assist the Dominican Government in the fulfillment of its duties, that aid should assume a form devoid of all danger, of everything which might wound a national sentiment jealous of its sovereignty. The intelligent aid of the American Government to the Dominican Government, in the matter of finances, ought not to be along lines outside of those prescribed by the provisions of Article III of the convention, all of which was cleared up by the negotiations of the Dominican commission.

In regard to the transformation of the public forces into a civil guard organized and commanded by American officials designated by your Government and appointed by the Dominican Government, there is the same objection as in the matter of the financial expert. That which is sought for is not a peace obligated by force, which is always precarious, but a moral peace, resulting from tranquility of mind and a cessation of warlike acts, and a desire for financial welfare.

And the establishment of a police as proposed, interpreted by the Dominican people as an abdication of the national sovereignty, far from being a pacificating element would be, on the contrary, an inextinguishable germ of trouble, of protest, and of violent attacks—all of which would bring about a situation much more lamentable than the present.

The question is not one of those to be settled by the increase or the abolition of the armed forces of the Republic. The most important side of the matter is the economic side, and with the re-establishment of the producing vitality of the country social and political phenomena which are at present a source

of alarm both to native and foreigners will be easily and advantageously modified.

This is the constant aim of the Government, and the foreign aid which it may need and which on several occasions the American Government has offered and which will be accepted with thanks, must be of that character which does not wound the susceptibilities of the Dominican people, as everything which disturbs peace of mind must, perforce, act contrary to the whole social life of the Dominican Republic.

With the re-establishment of economic normality the Dominican Government will take especial care not to exceed its expenses, to regard scrupulously the management of internal revenue and to avoid all difficulties that may work against the organization and development of the forces of the Republic—all with the most absolute regard for its international obligations.

I avail [etc.]

B. PICHARDO.

File No. 839.51/1663.

Minister Russell to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, December 17, 1915.

When the President returned I acquainted him with the attitude of our Government as per your telegrams November 26, 5 p. m., and December 2, 11 a. m. Press of Horacio Vasquez now publishing articles telling the people not to believe these falsehoods; that Washington never said such things, and that it is a trick to deceive the country. Government convinced that revolution brewing and requests me to ask what financial assistance can be expected in case of trouble.

RUSSELL.

ECUADOR.

CLAIMS OF THE GUAYAQUIL & QUITO RAILWAY COMPANY AGAINST ECUADOR—DECLARATION BY ECUADOR OF LAPSE OF ARBITRATION AGREEMENT; RESOLUTION TO PROSECUTE THE COMPANY. PROTEST OF THE UNITED STATES; DENIAL BY ECUADOR OF PROPRIETY OF DIPLOMATIC ACTION. CESSATION OF BOND SERVICE. LOAN SOLICITED BY ECUADOR; LOAN STIPULATIONS MADE BY THE UNITED STATES REJECTED.[1]

File No. 422.11G93/771.

The Minister of Ecuador to the Secretary of State.

[Translation.]

LEGATION OF ECUADOR,
Washington, February 9, 1915.

MR. SECRETARY: Mr. James C. Hallock, an American engineer, assistant chief of the department of public works of the city of Newark, and Señor Carlos Dávalos, an Ecuadorian in the service of the American Exporter, who are the two members chosen by Ecuador at the general meeting of shareholders for the election of the board of directors of the Guayaquil & Quito Railway Company, sent me, on the 5th instant, a report which includes the following:

> At the monthly meeting of February 2 the proceedings of the executive committee at its meeting of Saturday the 16th of January of this year were made known and were as follows: Authorize the vice president, Mr. Farr, to write to the Department of State of the United States asking it to protest through its diplomatic agent to the Government of Ecuador against its applying part of its receipts to payments to the banks instead of meeting its obligations entered into with the company to which those receipts had been assigned. Mr. Hallock said that there was no occasion whatever to apply to the Department of State in the matter and that the company should always arrive at a direct understanding with the Government of Ecuador.

I do not know whether the communication approved in the aforesaid executive committee has yet been forwarded to your excellency, but, knowing as I do the superior judgment with which your excellency usually discriminates and decides which public business belongs to the province of diplomacy and which relates to the ordinary transactions of operators and contractors, I indulge the belief that your excellency will have answered Mr. Farr's application as it deserves and spurned the idea that the Guayaquil & Quito Railway Company is ever to make diplomatic questions of every matter that can well be settled directly with my Government or in the courts the case arising.

Should your excellency deem it expedient to talk over this matter personally with me, I should be glad to have an interview with your excellency on any day and at any hour you may be pleased to appoint.

May your excellency [etc.]

G. L. CÓRDOVA.

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[1] Continued from For. Rel. 1914, pp. 274–280.

File No. 422.11G93/771.

The Secretary of State to the Minister of Ecuador.

No. 17.] DEPARTMENT OF STATE,
Washington, February 13, 1915.

SIR: I have the honor to acknowledge the receipt of your note of February 9, 1915, in which you refer to certain matters which were considered at the general meeting of the shareholders of the Guayaquil & Quito Railroad Company, a report of which was sent you by the two members chosen to represent the interests of the Ecuadorian Government.

So far the Department has not received notice of the intention of the company to proceed in the manner which was stated to have been proposed in the meeting referred to by you. Should Mr. Farr address the Department in the sense of the proceedings of the executive committee, the Department will take under careful advisement the substance of his communication and inform you in due course as to what steps it deems advisable in the circumstances.

If on the receipt of a communication from Mr. Farr it appears expedient to talk this matter over personally, I shall be glad to avail myself of your offer to call at the Department.

Accept [etc.]

W. J. BRYAN.

File No. 442.11G93/772.

The Minister of Ecuador to the Secretary of State.

[Translation.]

ECUADOREAN LEGATION,
Washington, March 13, 1915.

MR. SECRETARY: In accordance with the agreement reached with your excellency at our interview of the 4th instant, I had the pleasure of talking over the matter with Mr. William Heimke, Chief of the Latin-American Division, to whom I have begun giving brief information concerning the Guayaquil & Quito Railway Building and Operating Company in Ecuador.

As that was the first opportunity I had had to discuss the matter with the learned Mr. Heimke, I began with a statement that it did not come into the class of international or diplomatic questions, and that while the Department of State and the Ecuadorian Legation frequently deal with the case, it is because the railway building contract stipulates arbitration, in accordance with the law of Ecuador, and under that contract the President of the United States and that of Ecuador (or their appointees if they are unable to agree or accept the office) were designated as arbitrators to settle every difference between the contracting parties.

I also told Mr. Heimke that the railway company should be called upon for a copy of the by-laws by which it was governed until 1909 and those that have been framed since that date up to the present, repealing or amending the original ones; and that the com-

pany or the official concerned, should, in sending the copy, report upon or certify the following points:

(a) The board or corporation which drew up or amended every one of the by-laws.

(b) The dates and places when and where that was done by the board.

(c) The names of stockholders, directors or their attorneys who attended the sessions of the said boards and, in particular, of those who represented the interests of Ecuador.

(d) The office in which are at present filed the journals and documents relating thereto.

As I also offered to Mr. Heimke, in the act of ratifying my conference, to send him a copy of the report prepared by the Ecuadorian arbitrator, Dr. don Alfredo Baquerizo Moreno, I do so by enclosing herein a duly certified copy of the said report. But as it is fair and necessary that my Government should, for its part, know the report submitted to your excellency's Department by Arbitrator A. L. Miller, I beg your excellency to direct that a copy of that report be delivered to me.

I deem it proper to say to your excellency that all the other papers referred to by the arbitrator are filed in the archives of your Department as well as in those of the Department of Public Works of Ecuador.

I avail [etc.]

G. L. CÓRDOVA.

File No. 422.11G93/770.

The Acting Secretary of State to Minister Hartman.

[Extract.]

No. 61.] DEPARTMENT OF STATE,
Washington, April 2, 1915.

SIR: On April 3, 1914,[2] the Legation at Quito was instructed to present to the Foreign Office of Ecuador a protest against any operation of the contract of the J. G. White Company for the sanitation of Guayaquil which would infringe on the prior claim of the Guayaquil & Quito Railroad Company to certain defined revenues of the Republic of Ecuador.

The Guayaquil & Quito Railroad Company have again addressed the Department submitting that they are informed that the "Chief Executive has been authorized to apply as much as 40 per cent of all the Government income to the payment of debts in current accounts with the banks of the country, and to use for the same purpose up to 60 per cent of the funds provided for public credit and public works", and that such a disbursement of the Government's income could not be carried out without infringing upon those contractual duties which the Government has with the Guayaquil & Quito Railroad Company. You will bring this renewed protest of the Guayaquil & Quito Railroad to the attention of the Foreign Office of Ecuador.

ROBERT LANSING.

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[2] For. Rel. 1914, p. 277.

File No. 422.11G93/773a.

The Secretary of State to Minister Hartman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 26, 1915—4 p. m.

Our attention has just been called to the following telegram sent by the President of Ecuador on February 8 to Cooper, secretary of the foreign bondholders:

> Doctor Juan Cueva García is authorized agent New York. London services will be renewed when causes for suspension disappear and when bondholders, unbinding themselves from the company, join their endeavor with that of the Government to force the company to fulfillment of its obligations. Railroad gives an annual revenue of £220,000 more or less and would produce more with a better administration; the operating expenses could be limited to half the above sum. For what reason council bondholders does not use its rights in benefit of its clients and Ecuador. Salt funds remittances order to be resumed.
>
> PLAZA.

You will please call upon the Foreign Office and secure information upon the following points: Does the Government mean by its telegram that it desires to have the mortgage foreclosed and the rights of the stockholders forfeited? If so upon what ground does it seek to bring this loss upon the investors? The settlement made in 1908 shows that the railroad was built at a cost of about twenty millions of dollars, something less than twelve millions of which were secured by the sale of bonds and the remainder advanced by the stockholders and construction companies. This settlement was agreed to by the Government and provision made for the payment of the interest on the bonds. At the time of the signing of the original contract the revenues of the country amounted to about four millions of dollars; now, largely through the development and progress made possible by the railroad, the revenues approximate ten millions. Upon what basis in law or equity does the Government seek a forfeiture of the rights and interests of the stockholders. For two years this Government has been endeavoring to secure a settlement of pending disputes but without avail. Finding that objection was made to the arbitrator appointed under the preceding administration, he was recalled and another arbitrator, Judge Miller, whose impartiality could not be questioned was selected, his selection being accepted and approved by both Governments. When he went to Quito he found the Ecuadorian representative unwilling to consent to the arrangement which was made here before Judge Miller started. This Government is ready to do anything in its power to secure a just and satisfactory settlement between the Government and the railroad but it does not understand the Government's attitude at this time in attempting to act with the bondholders to the ignoring of the stockholders. Neither does it understand the suggestion in regard to the operating expenses of the railroad, in view of the fact that the directors appointed by the Government have made no protest as to present methods employed by the company and have suggested no changes or improvements. Please take the matter up with the Government. In securing this information inform them that while this Government is anxious to prevent any injustice being

done to the Government of Ecuador, it feels it its duty to insist upon justice being done to American investors.

BRYAN.

File No. 422.11G93/777.

The British Embassy to the Secretary of State.

MEMORANDUM.

The British holders of the Guayaquil & Quito Railway bonds have recently represented to His Majesty's Government that their position would be much strengthened if united action were possible on the part of the United States Government and His Majesty's Government with a view to pressing the Ecuadorian Government for the payment to the bondholders of the customs revenue assigned for the service of these bonds, and have expressed the fear that the Ecuadorian Government have appropriated the funds in question for other purposes.

Instructions have been sent to the British representative at Quito to draw the attention of the Ecuadorian Government to their obligations towards the bondholders, and the British Ambassador would be very much obliged if he could be given any indication as to whether the United States Government contemplates taking any steps of a similar nature.

BRITISH EMBASSY,
Washington, April 30, 1915.

File No. 422.11G93/777.

The Secretary of State to the British Ambassador.

MEMORANDUM.

In reply to the memorandum from the British Ambassador, dated April 30, 1915, regarding the representations of British bondholders of the Guayaquil & Quito Railway Company to His Majesty's Government, as to the possibility of united action on the part of His Majesty's Government and the Government of the United States in bringing to the attention of Ecuador the obligations to the bondholders, the Secretary of State is pleased to inform the British Ambassador that instructions were sent to the American Minister at Quito on April 26, 1915, to endeavor to bring about the recognition by Ecuador of the rights of American investors under the contract which the railway has with the Ecuadorian Government.

For the information of the British Ambassador a paraphrase of the telegram of instruction to the American Minister at Quito is transmitted herewith and the Secretary of State would be very much obliged if he could be informed as to what steps are being taken by His Majesty's representative in Quito relative to having the Government of Ecuador comply with its contractual obligations.

DEPARTMENT OF STATE,
Washington, May 7, 1915.

File No. 422.11G93/772.

The Secretary of State to the Minister of Ecuador.

No. 18.]

DEPARTMENT OF STATE,
Washington, May 12, 1915.

SIR: The Department acknowledges the receipt of your note of March 13, 1915, in connection with your interview with Mr. Heimkè, Chief of the Latin American Division, regarding the questions outstanding between the Government of Ecuador and the Guayaquil & Quito Railroad Company, with which this Department and the Government of Ecuador have been occupied for so long a time.

The Department also refers to your note of February 9, 1915, in which you raise the question as to the Department's discrimination between "which public business belongs to the province of diplomacy and which to ordinary transactions of operators and contractors," and in which you express the hope that the Department will not become a party to the wish of the railroad company to make diplomatic questions of matters that can all be settled directly with your Government or in the courts of your country.

In reply to the requests in your note the Department does not see its way to ask the railroad company to furnish a copy of its by-laws to the Government of Ecuador. Those by-laws and amendments which it is in the interests of the Foreign Office at Quito to obtain, can doubtless be had from the company directly, as well as that data concerning the meetings of the board and the names of the stockholders to which you refer.

A careful study has been made of the certified copy of the report prepared by Señor Baquerizo, forwarded in your note of March 13. The form and contents of this document do not, in the opinion of the Department, invest it with that value which it is customary to attach to a formal report, and, as the arbitration with which it deals had no result, the Department has been at no pains to publish the findings of the American arbitrator, Judge Miller, so that, as in the case of a similar request from the railroad company, the Department will be unable to furnish the Government of Ecuador a copy of Judge Miller's report, this not being a public document.

Your suggestion with reference to the provisions in the contract between your Government and the Company for the arbitration of the matter in dispute loses force by reason of the circumstance that attempts at arbitration twice arranged by this Department have in each instance failed; and, referring especially to your note of March 13, 1915, the Department, after mature deliberation, has concluded that it is amply justified in taking up, diplomatically, the present status of the relations of the Government of Ecuador and the Railway Company, and accordingly has instructed the American Minister at Quito to make various inquiries of the Government of Ecuador with respect to its attitude towards the Company, as you were informed upon your visits to the Department on May 6 and 7.

Accept, [etc.]

W. J. BRYAN.

File No. 422.11G93/785.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, May 19, 1915—4 p. m.

Department's instruction Number 61. Matter presented to the Minister for Foreign Affairs May 8; substance of answer follows:[3]

My Government considers that it is incompatible with the sovereignty of Ecuador or with its position as a free and independent nation to accept the intervention of any power in a matter where diplomatic action has no proper place. This excuses me from going into details regarding the points to which your excellency refers in the note which gives ground for the present note.

The Minister contends that the Railway Company should deal with the Government of Ecuador directly and not through the diplomatic channel except in cases where there is a refusal or denial of justice. He says:

It is to be supposed that in the present case my Government has no thought of impairing obligations already established but, rather, proposes to favor them directly or indirectly. The Railway Company has not an atom more interest than the Government of Ecuador in the faithful fulfillment of the contract between them, even in the part of it which contains obligations imposed on the Government alone.

HARTMAN.

Minister Hartman to the Secretary of State.

[Extract.]

No. 118.] AMERICAN LEGATION,
Quito, June 4, 1915.

SIR: I have the honor to inform the Department that on April 28, 1915, I brought the substance of Department's April 26, 4 p. m., to the attention of the Foreign Office in my note No. 127, wherein I asked that "the information requested be furnished as quickly as possible to the end that I may comply with the instruction of the Department, and cable the information promptly."

On May 14 the note of the Minister for Foreign Affairs with its enclosure prepared by the Fiscal Attorney and approved by the Minister of the Interior was delivered to this Legation, and copies thereof, with translation, are herewith enclosed.

I think the Department will observe not only a complete failure to reply to the inquiries submitted, but also an express purpose not to furnish the desired information, for the reason stated: that it is the contention of the Government of Ecuador that the subject presented is not proper to be dealt with through the diplomatic channel.

The Department will recall that the same question was raised by the Minister for Foreign Affairs in his note No. 192, of June 22, 1914,[4] in reply to my note No. 66, of May 16, 1914.

I would greatly appreciate receiving an instruction from the Department containing a full statement of its views on the question

[3] Texts of both appear as inclosures with Mr. Hartman's No. 153 of December 5, post, p. 368.
[4] For. Rel. 1914, p. 279.

raised by the Government of Ecuador, so that I may have the benefit of them before answering the note of the Minister.

Referring to the communication of the Fiscal Attorney contained in the enclosure, and to the coarse and impolite language employed by him, I will say to the Department that on reading his production my first impulse was to return that enclosure to the Foreign Office with a polite note declining to receive it because of the character of the language used. But upon reflection I determined not to do so unless so instructed by the Department.

I have [etc.]

CHARLES S. HARTMAN.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Minister Hartman.

No. 92.] MINISTRY FOR FOREIGN AFFAIRS.
Quito, May 14, 1915.

Mr. MINISTER: I have the honor to inform your excellency that I am in receipt of your esteemed note No. 127, dated April 28 last.

Your excellency transcribes in that note the substance of a cablegram which you have received from the Department of State at Washington, relating to another telegraphic despatch addressed by the President of Ecuador to the council of bondholders at London, a copy of which has been reproduced in the communication of your excellency.

In view of what the President of Ecuador has said, the Department of State at Washington addresses to my Government through the Legation, of which your excellency is so worthily in charge, a series of questions.

I could properly, within the strict right which Ecuador has, decline a reply through the diplomatic channel, because, as I have always expressed to your excellency, the diplomatic channel is acceptable only in cases of denial of justice, very different from the present one.

But as the question relates to concrete assertions made by the Department of State at Washington on a matter so important to Ecuador as this is, being that of the railway between Guayaquil and Quito, I see in this occasion an opportunity for your excellency's Government to learn what the officials of Ecuador think on this matter.

On receiving your excellency's note which causes the present one, I thought it my duty to bring it to the knowledge of the Ministry of Public Works, who in their turn thought it expedient to bring it to the knowledge of the Fiscal Attorney of Ecuador in connection with their business with the railway company. I have today received the answer of the Ministry of Public Works, and I feel it not only a duty of courtesy to bring it to the knowledge of your excellency, so that you may kindly transmit it to the Department of State at Washington, but also an adequate means of giving the Department a notion of the basis on which my Government rests in order to hold: 1st, that this matter does not belong to the diplomatic channel; and 2d, that the Railway Company, even outside of that channel, cannot justly complain of the acts of Ecuador, which are inspired by fundamental and even instinctive conceptions of legitimate defense.

On account of what I have just expressed, and, making the proper reserve to the end that the present procedure of this Chancellery cannot be taken as a precedent in the sense that it (the Chancellery) consents to discuss this matter diplomatically, I have the honor to send to your excellency together with this note an authentic copy of the one which has been addressed to me by the Minister for Public Works.

The undersigned would consider the present occasion a fortunate one if it were to assist in giving to the Government of the United States an adequate idea of the justice whereby Ecuador is supported in its differences with the Guayaquil & Quito Railway Company and of the earnest desire of my Government to discover a solution for the existing contention, and a means of

stopping the enormous losses caused by a railroad which, as is affirmed by such an authorized organ as the "Financial Times" of London, has the unenviable reputation of holding the world's record for losses or bad administration.

I avail [etc.]

E. H. ELIZALDE.

[Subinclosure—Extract—Translation.]

The Minister of the Interior to the Minister for Foreign Affairs.

MINISTRY OF THE INTERIOR,
DEPARTMENT OF PUBLIC WORKS,
Quito, May 13, 1915.

MR. MINISTER FOR FOREIGN AFFAIRS: From your note of the 1st instant, No. 261, this Ministry has learned of the note which his excellency the Minister of the United States addressed to you, quoting [etc.]. Said note, on account of its importance, was referred to the Fiscal Attorney charged with affairs connected with the Constructing Company of the Guayaquil & Quito Railway, and the Fiscal Attorney has addressed to me the following:

The Fiscal Attorney to the Minister of the Interior.

QUITO, *May 11, 1915.*

TO THE MINISTER OF THE INTERIOR:

Enclosed with your note of the 6th instant I found a copy of the communication which the Minister of the United States sent to the Minister for Foreign Affairs.

The Government of Washington once more on this occasion insists in protecting officially, through diplomatic channels, the Guayaquil & Quito Railway Company, with which the Government of Ecuador contracted for the construction and co-administration of the railway indicated by the name of the said company; and I therefore consider it the duty of the Ecuadorian Foreign Office to repeat the abundant and conclusive reasons (not yet, to my knowledge, refuted by the American Government) which Ecuador has before now given for denying to the United States the right of presenting diplomatic claims or asking in any form for explanations not relating to one of the cases of damage to a subject of the claimant government which are contemplated by international law.

The United States of North America constitute a powerful nation that proclaims the principle of equality before the law with all other peoples, including the weak; and the good friendship that exists between the Republic of Ecuador and that nation deserves to be carefully maintained and cultivated by us; and precisely because of those two motives I believe we should always take refuge in the rigorous application of the prescriptions of international law, the only fairly solid foundation for this class of relations, and not accept any diplomatic discussion with respect to the difficulties provoked from day to day by the Guayaquil & Quito Railway Company; these should be settled by a direct agreement between the interested parties, or by judicial sentence.

This opinion, held by the Government of Ecuador, has been declared several times by the Ministry of Foreign Relations to the American Legation; and, not to quote any but recent cases, I shall recall only the notes of May 6 and 14, 1912,[5] published in the memorial which that Ministry presented to the nation that year; that of April 1, 1913,[6] which appears in No. 176 of the Registro Oficial of the 5th of said month; and that of June 22, 1914.[4]

And if in the cases to which those notes refer the aforesaid declaration was opportune, with much greater reason is it so now, when the representative of the American Government goes to the inconceivable extreme of believing that the contents of the cablegram he has received authorizes him to request information from the Ecuadorian Foreign Office, not with respect to the cause of some aggression upon the Guayaquil & Quito Railway Company, but regarding the intention of the President of the Republic, in addressing to the secretary of the council of foreign bondholders, London, the cablegram of April 8—a request extremely vexatious to the Republic of Ecuador, which ought to call itself neither independent nor sovereign if it had not the ability and courage firmly to reject such a pretension.

The American Government undoubtedly very well knows, for its circumspect character would withhold it from addressing the Government of Ecuador until after having informed itself thoroughly of the facts, that the constructions of the Guayaquil & Quito Railway has given rise to rights and obligations intimately relating to the Government of Ecuador, owner of the property, the Guayaquil & Quito Railway Company, which entered into contract with the Government for the construction of the railway itself, and the bondholders in whose hands are the bonds issued with the Government's guarantee and by the sale of which the railway company has been provided with funds.

This union of the three parties interested in the enterprise of the said railway arises from mention in the railway bonds and in the bonds of the preferred stock (prior lien bonds?) of the contracts on which the respective bond issues are based; and from the fact that all three appeared as parties to the transaction of September 30, 1908, executed by public instrument in Quito, and likewise modified on December 8 of the same year.

According to those contracts, the fundamental right of the bondholders consists in their being paid punctually every year, in two half-yearly dividends, the sum of eight hundred and fifty-nine thousand seven hundred and forty American dollars gold ($859,740), to

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[4] For. Rel. 1914, p. 279. [5] For. Rel. 1912, p. 418. [6] For. Rel. 1913, p. 492.

which sum at present the interest and sinking-fund of the railway bonds and of the prior lien bonds amount; and to ensure the effectiveness of that right, the contracts themselves contain a number of powers and privileges that they may exercise, either against the railway company, which is the principal party bound and has to effect the payment out of the profits of the railway, or against the Government of Ecuador, which is the surety with a part of its customs' receipts.

The correlative right of the Government of Ecuador as surety consists, consequently, in looking to it that the railway company pay that annual debt to the bondholders from the proceeds of the traffic, all of which go into the company's hands; and that the bondholders oblige the company to effect said payment as provided by the contracts.

And no one can quote a code of any legislative body belonging to a people even half civilized from which it does not appear that the surety or bondsman has the perfect right to adopt the measures calculated to protect his interests, and oblige the creditor duly to make good his claim against the debtor; especially if that right is clearly and expressly recognized in solemn compacts, and when the debtor, as in the case with the railway company, is one who has contracted the habit of disposing at his pleasure of the funds meant for said payment, and lacks property of his own with which to respond to the surety for the amounts the latter finds himself obliged to disburse from year to year.

Now, then, the railway company does not pay this debt to the bondholders. Why? Did the American Government take the trouble to inquire, before its representatives in Quito addressed to the Government of Ecuador the offensive note we have before us? If it has indeed made the inquiry, and if the railway company has given some explanation after its own fashion, what opinion has the American Government formed of that reply? and what steps has it taken to ascertain the accuracy thereof before wounding the dignity of a small nation, which it calls a friendly nation?

In the allegation presented by the Fiscal Attorney to the arbitration tribunal are set forth the charges of negligence and fraud which the Government of Ecuador brings against the railway company; a copy of that allegation is on file in Washington, in the State Department, translated into English, handed in there by the North American arbitrator, Mr. A. L. Miller, who retired without having fulfilled his mission.

Just as Mr. Miller in 1914, so also Mr. Janes could have made the same investigation in 1913; but Mr. Janes likewise failed to fulfill his mission, and returned to the United States, giving rise to an unexpected discussion which may have been one of the reasons why Mr. Wilson relieved him from his office and replaced him by Mr. Miller. [Here follows a long digression intended to show that the failure to arbitrate was wholly due to unreasonable behavior of the American arbitrator.]

These are, in substance, the reasons why the arbitral award has not yet been rendered; and with respect to said reasons absolutely nothing had been discussed before Mr. Miller submitted them, much less had any agreement whatever been entered into in Washington or in any place.[8]

The person, therefore, who submitted to the consideration of the Washington State Department the cablegram addressed to Mr. Cooper by General Plaza gave a false report to Secretary Bryan when he affirmed that the Ecuadorian arbitrator had not consented to arrangements made before Mr. Miller came to Ecuador.[7]

But there is nothing surprising about that falsehood, since the informant is even ignorant of the name of Mr. Miller, whom he calls "George"[8] instead of "Alexander L."

Mr. Miller has also, on his part, submitted a report to Secretary Bryan, and therein he has probably stated the motives that induced him to withdraw from Ecuador without pronouncing sentence. At my verbal request, as Fiscal Attorney, when I was in New York, the Minister Plenipotentiary of our Republic, Dr. Gonzalo S. Córdova, asked the State Department for a copy of that report. With that report before us we could then see whether the Government of Ecuador would again be called upon to submit to inexplicable demands, in order that the arbitration suit might come to an end; but the State Department replied that it had not yet resolved to make public the document in question.

The great efforts the Government of Ecuador has made since October, 1911, to bring about the arbitration stipulated for in 1897 and 1898 with the railway company have thus been inefficacious, and the company continues to receive the proceeds of the railway and to dispose thereof, without paying its debt to the bondholders.

The Government of this Republic has not been able by friendly efforts to bring about the correct administration of the railway, nor to get access opportunely and without difficulty to the books, bills, and other original documents necessary in order to examine and certify to the effectiveness of all the expenditure, and ascertain and verify the true cost of operation, in spite of the special clause which, to this end, is set forth in the contract of June 14, 1897.

And although because of the acts of the North American arbitrators the arbitration stipulated with the company has suffered the fate we have already witnessed, the means the Government of Ecuador will employ to save its fiscal interests will under all circumstances be just and honest, it being well understood that in urgent cases, in which there is palpably not only the grave danger but the certainty of irreparable damage such as is caused by the railway company, it amounts to the same thing as far as the application of justice is concerned whether the sentence of the tribunals of justice precede or immediately follow it.

The Government of Ecuador, furthermore, very well knows what is the real importance attachable in the market to interests which, lacking any intrinsic value to sustain them in the field of truth, law, and good faith, have hastened with their surreptitious information to seek support from the Government at Washington; for the majority of the shareholders or stockholders, both of the common stock of the "B" class and of the preferred stock, have long since put up their shares for sale at the price of $750,000.

Nothing of what has been said above, of course, implies hostility to the company, and still less a failure to recognize the great benefits which the railway is called upon to contribute toward the progress of the country, once said railway line is finished and administered in the conditions which have constituted the hope—almost fatally frustrated up to date—of the Ecuadorian people.

And, while on this topic, there is need of rectifying the error into which the American Legation has fallen in stating that the railway has already produced the economic marvel

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[7] For. Rel. 1913, pp. 502 and 503.

[8] A probably unintentional misreading of "Judge."

of duplicating the Ecuadorian customs' revenues; for it does not take into account the fact that, unfortunately, the duplication and reduplication of the duties are the real cause of that increase, and not any commercial activity that the railway ought to have promoted but has not done so on account of the innumerable disadvantages under which the service is performed. The railway of high tariff charges, of frequent abuses in the itinerary, neglected, dangerous, practically irresponsible, with frequent derailments and slides which oblige the passengers to spend long hours by day and by night without any accommodation whatever among the snows of the Andes, causing the loss of essential connexions, has not been a stimulus but on the contrary a cause of discouragement to the commerce of the country.

In short, it seems to me, Mr. Minister, that the Ecuadorian Foreign Office is in a position to refuse to give the information asked for by the American Legation, founding its refusal on the precepts of international law and, if the Government so please, on the antecedent facts that I have to that end cited above.

MANUEL R. BALAREZO.
The Fiscal Attorney to the Minister of the Interior.

QUITO, *May 13, 1915.*

TO THE MINISTER OF THE INTERIOR:

After having written my note of the 11th instant there was delivered to me, at my verbal request, by the Undersecretary of the Ministry of Foreign Relations, a copy of the original English of the American note, and in said copy I find the following sentence with regard to the arbitrator, Mr. A. L. Miller: "His selection was approved and accepted by both parties."

As this statement does not appear in the copy you were pleased to send me, I said nothing about it in my above-mentioned note, and for that reason I have pleasure in pointing out to you in the present, which is complementary to the previous note, that it was not necessary for both parties either to approve or accept the appointment of either one of the arbitrators in order that they might assume the character of such.

The words of pleasurable acceptance, or other analogous terms, with which an agent of the Ecuadorian Government may have welcomed the appointment of the new arbitrator ought therefore to be regarded as the language of courtesy or as an expression of the great consideration justly due to President Wilson and to Mr. Miller, but not as belonging to the number of the requisites the case might demand for carrying on the arbitration.

I call your attention to this point because it may perhaps be advisable for the Minister for Foreign Affairs to be pleased to make it plain to the American Legation.

MANUEL R. BALAREZO.

This Ministry regards as well founded Dr. Balarezo's observations; and although therein all the points the clearing up of which was indispensable have been dealt with, I wish to add some slight observations for the purpose of preventing the truth from suffering any impairment.

The shareholders of the Southern Railway Company have endeavored, as Dr. Balarezo states, to sell their shares, both of the common and of the preferred stock, to the Government of Ecuador, for the sum of $750,000, the nominal value of the first-named being properly $284,320, and of the second, the preferred stock, $286,320.

The Government of Ecuador agreed to enter into negotiations for the acquisition of the said shares at the price of $600,000; and although for some time it has not been possible to continue said negotiations on account of the difficulties that have arisen, the business is still pending, as has been declared in a communication from the representative of the heiress of the late Mr. A. Harman, to whom said shares belong.

In Mr. Norton's report, read at the meeting of the shareholders in New York on March 2 of the present year, there appear the figures relative to the profit and loss account of the Southern Railway for the year counting from July 1, 1913, to July 1, 1914, which items, examined in the light of the contracts and of the facts, put it beyond all doubt how irregular and damaging is the present administration of the railway.

The constructing company ought to have made a first-class railway, with stations and rolling-stock in harmony with that classification. The length of the railway is only 287 miles. That being the case, the operating expenses connected with the maintenance of the track and of the equipment, the cost of fuel and water stations, miscellaneous expenses, etc., can not in a normal year amount to the exorbitant sum of two million, three hundred twenty-four thousand, nine hundred and thirty-three sucres (S/2,324,933).

How can the Government accept as correct such heavy expenditure, when it is not even credible? According to the above-mentioned report, the maintenance of the line during the said year cost S/644,818, and in the maintenance of the track there was invested the sum of S/418,170; but it is known to Ecuador, that in the former no renewals of any importance were made; the work was confined to the removal of obstacles caused by the badly constructed original embankments, the repairing of bad ties, and other expenditures of slight significance. And, with respect to the maintenance of the equipment, the administrators of the railway did not then make any innovation whatever in that

wretched and scant equipment with which the company has been effecting the transportation of passengers and freight, neglecting its duty under the contracts to construct a railway with first and second class cars for the transportation of passengers, and sufficient cars for the conveyance of freight.

How then could there be expended in said year in the maintenance of the track and of the equipment the sum of S/1,062,988 when it is clear the administrators of the Southern Railway made no innovations of any importance, either in the track or in the equipment?

I call your attention to the item in the said profit and loss account, that appears as the amounts of the expenditures for fuel and for water stations, the former being S/812,544 and the latter S/91,347 (sucres). With respect to the latter item, it is incomprehensible in what said amount could have been spent, since the maintenance of the water-tanks costs very little, and if these are at any time repaired, the expenditure should not exceed a few sucres. With respect to the other item, it would be necessary to have a careful investigation made by an expert, both as to all the fuel the company has imported into Ecuador, and the quantity which should be employed, according to technical knowledge, in transportation, and that which has otherwise been disposed of; and I am sure that such an investigation would prove that the fuel for transportation could not have been consumed in such excessive quantities as would be indicated by the figures given by President Norton.

With reason, therefore, in the article published on March 30 of the present year in the "Financial Times" of London, it is stated that said account of profit and loss indicates something very curious, taking into account the statement made by Mr. Norton himself to the effect that the Southern Railway in Ecuador is one of the best lines, even in respect of rolling-stock; "for which reason it would be", says the article, "a matter of common interest to know exactly how much unspent money has been included in operating expenses."

How, therefore, can the Government of Ecuador remain indifferent, in the face of that administration of the Southern Railway, which neither conforms to the stipulations of the contracts nor to the transcendent interests of Ecuador? Why, therefore, is not the Government of Ecuador to employ all the means that law and right provide for the fulfilment of the object Ecuador had in mind in making great efforts and concessions for the construction of the Southern Railway, and to enforce honest compliance with all that has been agreed upon?

Many other observations I might make; but I leave to your learned judgment, Mr. Minister, all the rest that you may think it advisable to state.

MODESTO A. PEÑAHERRERA.

File No. 422.11G93/794.

The British Ambassador to the Secretary of State.

MEMORANDUM.

The British Ambassador presents his compliments to the Secretary of State, and, with reference to Mr. Bryan's memorandum of the 7th ultimo respecting the attitude of the Ecuadorian Government towards the bondholders of the Guayaquil & Quito Railway, has the honor to draw attention to the various works which are now being carried out by the Ecuadorian Government. Among these may be mentioned the Huigra-Cuenca Railway (Messrs. Orenstein, Koppel & Company), the Curaray Railway and the sanitation of Guayaquil. The London representatives of the bondholders have represented to His Majesty's Government that there can be little or no doubt that all these undertakings are being financed out of funds preferentially pledged to the holders of Guayaquil & Quito Railway bonds.

BRITISH EMBASSY,
Washington, June 7, 1915.

File No. 422.11G93/805a.

The Secretary of State to Minister Hartman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 16, 1915—10 a. m.

At request of railway company you may use personal unofficial good offices in urging Ecuador to complete remittance to London for July coupon on prior lien bonds. Department understands only £532 additional remittance is required to complete payment of coupon.

LANSING.

File No. 422.11G93/798.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, June 17, 1915—5 p. m.

Department's June 16, 10 a. m. I presented matter unofficially today. The Minister for Foreign Affairs regrets inability to make remittance now. He says that high officials and subordinate officers of the Government have not been paid since January and that the Government has not been able to pay the army promptly. Income from import duties very slight since European war.

HARTMAN.

File No. 422.11G93/803.

The British Ambassador to the Secretary of State.

MEMORANDUM.

The British Ambassador presents his compliments to the Secretary of State and has the honour to refer to the memorandum from the Department of State, dated the 7th May last, on the subject of the attitude of the Government of Ecuador towards the Guayaquil & Quito Railway Company. In this memorandum was enclosed a paraphrase of a telegram sent to the American Minister at Quito by the Secretary of State on the 26th April last, in which reference was made to an attempt on the part of the Ecuadorian Government to act with the bondholders, and to ignore the rights of the stockholders of the railway company.

Sir Cecil Spring Rice has now received copy of a letter addressed by the council of foreign bondholders in London to Sir Edward Grey, from which it appears that the position, as regards this point, is as follows:

So long as the service of the railway bonds is maintained by the Government in accordance with its contract no foreclosure proceedings can be instituted. The Government of Ecuador has however announced its intention not to make any further payments for the service unless and until the bondholders foreclose on the line and

so eliminate the present stockholders. It is stated that this action has been prompted by the representative of Germany. The council think that the attitude of the Government and its desire to make use of them as an instrument in effecting its purpose are made clear in the telegram sent to them by the President of Ecuador on the 8th February last, which was quoted in the instructions sent to the American Minister at Quito on April 26.

The council of foreign bondholders express great disappointment at the course adopted by President Plaza in this matter.

BRITISH EMBASSY,
Washington, July 7, 1915.

File No. 822.51/231.

The British Ambassador to the Secretary of State.

MEMORANDUM.

The British Ambassador presents his compliments to the Secretary of State and has the honour to refer to the reported intention of the Government of Ecuador to raise a loan of three million dollars in the United States.

Sir Cecil Spring Rice understands from verbal communications which have passed with the Department of State that the American Minister at Quito has been approached by the Ecuadorian Government on this subject, but that the United States Government do not feel disposed to encourage such a loan until the Ecuadorian Government has made some satisfactory arrangement in the case of the Guayaquil & Quito Railway, the affairs of which have recently formed the subject of correspondence between the Department and this Embassy.

On enquiry in London Sir Cecil Spring Rice is authorised to state that His Majesty's Government have learnt with much satisfaction of the attitude which the United States Government propose to take in the matter of the proposed loan, and that they will, if approached on the subject, likewise refuse any assistance.

BRITISH EMBASSY,
Washington, July 11, 1915.

File No. 822.51/196.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, July 19, 1915—2 p. m.

The Ecuadorian Government urgently requests the Department's active assistance in its efforts to procure loan. The situation is critical. The army and civil employees are unpaid and unless loan is secured soon another uprising against the Government is probable. If the loan is secured now with the assistance of our Government the establishment of better relations will be aided and consequent

advantages secured. I earnestly recommend prompt assistance. I am reliably informed that railway company is assisting and hope that council of foreign bondholders will also help. The British Chargé d'Affaires and I agree that until the loan is secured it is inadvisable and futile to urge remittances on delinquent coupons or payment of obligations from Ecuador to railway company.

HARTMAN.

File No. 822.51/196.

The Acting Secretary of State to Minister Hartman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 23, 1915—5 p. m.

Your telegram of July 19, 2 p. m. The Department is given to understand by Mr. Farr that the railway company would have no objection to the proposed loan, provided that part of loan proceeds are to apply to payment of arrears in interest and sinking fund on first mortgage prior lien, condores and salt bonds, amounting in all to some two and one half million dollars which would of course necessitate increase of loan to five or six millions; and provided further that necessary customs units pledged for service of bonds under 1908 agreement remain inviolate and that some equitable settlement be made regarding the company's claims against the Government of approximately nine hundred thousand sucres.

The Department is inclined to believe that the railway company's conditions are not unreasonable and feels that it would not be justified in assisting the Ecuadorian Government to procure a loan unless some satisfactory arrangement were made looking to the settlement of all differences between the Government and the railway company and the bondholders.

For your information the British Ambassador has advised the Department that his Government will, if approached on the matter refuse any assistance.

A paraphrase of this instruction has been sent to the British Embassy here and you may show this telegram to Mr. Jerome.

ALVEY A. ADEE.

File No. 422.11G93/805a.

The Secretary of State to the British Ambassador.

The Secretary of State presents his compliments to his excellency the British Ambassador and has the honor to inform him, in connection with previous correspondence, that, as the outcome of an interview held yesterday with the Ecuadorian Minister regarding a loan to the Government of Ecuador, the Minister was informed that it was not possible, in the opinion of the Secretary of State, to disassociate the question of a loan from the settlement of the case of the Guayaquil & Quito Railway Company against the Government of Ecuador, and that an instruction in that sense, a paraphrase of which is transmitted herewith, has been sent the American Minister at Quito.

DEPARTMENT OF STATE,
Washington, July 24, 1915.

File No. 822.51/198.

The Minister of Ecuador to the Secretary of State.

[Translation.]

LEGATION OF ECUADOR,
Washington, July 26, 1915.

MR. SECRETARY: Referring to the interview I had with your excellency on the 20th instant at which Dr. J. Cueva García, agent of the Government of Ecuador for the negotiation of a loan, was present, I beg leave to ask your excellency to repeat in a few words your views concerning the subject of our conference.

As the questions relating to the Guayaquil & Quito Railway are of capital importance to the Republic of Ecuador and demand careful and exhaustive consideration, I do not wish to forward to my Government any statement of your excellency unless it is previously written or confirmed by your excellency.

I have [etc.]

G. S. CÓRDOVA.

File No. 822.51/198.

The Secretary of State to the Minister of Ecuador.

DEPARTMENT OF STATE,
Washington, July 30, 1915.

SIR: I have the honor to acknowledge the receipt of your note of the 26th instant, in relation to the subject matter of our conversation last Friday, and, in reply, to repeat what I then said to you, that it is my impression that the matter of the proposed loan to Ecuador could not well be disassociated in my mind from the questions now pending between your Government and the Guayaquil & Quito Railway Company.

In view of the deep and friendly interest that this Government has always taken, and now takes, in the welfare of the Republic of Ecuador and of the regret with which it would view any impairment of Ecuador's financial status, especially at this time, it is needless for me to assure you that this Government would be more than ready to render any proper assistance to your Government in this matter and to that end I shall be pleased to afford you, as I had the honor of informing you last Friday, an opportunity for a full and frank discussion of all pending questions.

Accept [etc.]

ROBERT LANSING.

File No. 822.51/196.

The Secretary of State to Minister Hartman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 6, 1915—2 p. m.

Department's July 23, 5 p. m. Department waiting with interest reply of Foreign Office regarding its attitude conditional flotation of loan.

For your information Cooper telegraphs from London in part as follows:

Have private information Government intends get Congress pass act authorizing Executive suspend payments until differences with railway company settled.

Can you confirm this?

LANSING.

File No. 422.11G93/821.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, August 9, 1915—4 p. m.

Department's August 6, 2 p. m. President Plaza denies any intention of asking Congress for authority to suspend all payments until settlement of differences with railway company. In a memorandum of ten pages delivered to this Legation today he consents to pay arrearage of interest on bonds from proceeds of loan but denies that Ecuador owes railway company anything. His memorandum will be sent at once by mail.

HARTMAN.

File No. 422.11G93/822.

Minister Hartman to the Secretary of State.

No. 130.] AMERICAN LEGATION,
Quito, August 19, 1915.

SIR: Referring to my telegram of August 9, 1915, 4 p. m., and previous telegrams to and from the Department, relating to conditions upon which the Department might be willing to assist Ecuador in obtaining a loan, I have the honor to enclose herewith copies of a memorandum prepared by the President of Ecuador and delivered to this Legation on August 9, 1915, together with translation thereof, which memorandum is in reply to a memorandum submitted by me to President Plaza on July 28, 1915, in which I gave to him the substance of the Department's telegram of July 23, 1915, 5 p. m.

I have [etc.]

CHARLES S. HARTMAN.

[Inclosure—Translation.]

President Plaza to Minister Hartman.

MEMORANDUM.

The Government of the United States of North America would decidedly support the placing of a loan for Ecuador in the New York market, provided that part of the proceeds of such a loan were devoted to paying the matured coupons of the bondholders of the Ecuadorian public debt, and the pecuniary claims formulated against the Ecuadorian treasury by the Guayaquil & Quito Railway Company.

I. PAYMENT OF THE ARREARS ON THE BONDS OF THE PUBLIC DEBT.

This wish on the part of the American Government coincides absolutely with the desires of my Government, which, notwithstanding its conviction that the

operation of the Guayaquil & Quito Railway should yield sufficient profits to attend to the punctual payment of the interest and sinking-fund of the railway bonds, would be disposed to assign, out of the loan to be contracted, the amount that might be necessary for the payment of what we owe to the bondholders.

But these declarations on my part call for one or two comments. I must first of all call attention to the strict punctuality that characterized my administration during the years 1901–1905 in the payment of these obligations, the default in which dates from Sr. Alfaro's second period. Then I must point out that I have observed the same punctuality even in the years 1912 and 1913 and the first half of 1914, in spite of the heavy extraordinary expenses entailed on me by the internal war in which we have so long been engaged, for it must be remembered that since August 11, 1911, the life of the country has been abnormal. Again, it is indispensable to remark that the great decrease in the customs receipts of the country, caused by the European war, is the only reason for our having suspended, during the past year, the service of the public debt; for we have suffered a diminution of nearly 6,000,000 sucres in the fiscal revenues, and an additional charge of 6,000,000 in war expenditure during 1914 and up to date in the present year.

Extraordinary and fatal circumstances are therefore those that have made it impossible for my Government to attend duly to that sacred obligation.

But it has never been in the mind of our public powers to disregard the fulfilment of that duty; and the proof thereof is that, by the law of October 10, 1913, the contracting of a loan of £2,000,000 was authorized, in order, out of the proceeds thereof, to attend to the payment of debts, and among them preferably that of the overdue coupons.

From another point of view it is indispensable to record that if His Excellency President Wilson and his Honorable Secretary of State would grant us the favor of listening only two hours to our representative in Washington and to the financial agent of this country, Messrs. Córdova and Cueva García, the American Government would become fully convinced of the folllowing great and painful truths:

1st. The operation of the Guayaquil & Quito Railway has yielded a sufficient income to sustain its administration and maintenance and to contribute large amounts towards the service of the railway bonds.

2d. But the total receipts of the business have been invested by the company's board of directors, without the consent of our Government, in incredible expenses of administration, and in *reconstructing* the railway line and acquiring rolling stock and the consequent accessories, because the line was constructed flimsily without the slightest professional conscience; and because there is the testimony of the high officials of the company that confirms the fact that, with the income of only a section of the railway, that of Guayaquil-Alausí, the Alausí-Guamote section was constructed;

3d. So certain is the very bad and deficient construction of the line that, when the company tried to effect the delivery thereof to our Government, the latter could not accept it, because from the survey and inspection of the work it appeared that it was purely provisional, since it was badly ballasted, without permanent bridges, with the very worst stations, and very scant rolling-stock. Since then (the year 1911), the company has changed ties, refilled the embankments, acquired bridges, etc., out of the proceeds of the railway, without ever delivering to the Government one single cent.

4th. These unquestionable facts, that no employee of the company could deny if he were called upon to declare under oath before any American judge, prove that the Guayaquil & Quito Railway, which should have cost Ecuador only the amount agreed upon of $12,282.000 gold, and delivered by us in bonds of our debt, has cost up to date some millions more; for to the $5,000,000 that our Government added to that amount agreed upon, and which brings it up to the sum of $17,000,000 gold—the cost of 266 miles of railway—there must be added the amounts which should have been received by our Treasury as profit on the operation of the railway, which profit, instead of serving to pay off the interest and sinking-fund of the bonds, has been employed by the company, without the consent of our Government, for the construction and administration of the line; and

5th. The American Government and people are completely unaware of the incalculable damage that this railway company causes the commerce of the United States and the just aspirations of its officials to win for the honor of their country a decisive influence in the nations of Central and South America,

made to be felt by its diplomacy, its capital and its industries. The procedure observed by the company in its relations with the Ecuadorian Government, people and industries is so absolutely unacceptable that it has ended by creating an atmosphere of misgiving in our country respecting the influence of American capital, politics and efforts. And so abusive and illegal is this procedure, that I entertain the profound conviction that the Government of the United States would never tolerate it even for a moment in any company of whatever nature which might attempt to adopt it in the territory of the Union.

These antecedents, known to me in their minutest details, oblige me to state, with the moral authority to which I am given a right by my personal and administrative honesty, which no one even among my most rancorous enemies fails to recognize and which will be the only possession of mine I shall bequeath to my children, the profound and painful surprise with which I observe the resolute support that is granted by the honest Government of a great nation, such as the Northern Republic, to a company which has evaded all its obligations and refused to recognize any of our rights, creating for its (native) country, capital and men the most lamentable atmosphere it is possible to conceive of, under the shelter, too, of the American Government, which fact it has taken care to proclaim loudly in order to intimidate any one who might dare to remark upon its conduct. Nevertheless, I repeat, notwithstanding these reserves, which I think it my duty to set forth respecting so disagreeable a matter, I declare that we should have no objection to devote what might be necessary of a loan of ten million dollars to the payment to the holders of our bonds of the coupons due, and that such a loan we would guarantee with 50% of our customs receipts for export duties, which guaranty would greatly exceed the amount of the annual service that debt would impose on us.

II. PAYMENT OF THE RAILWAY COMPANY'S CLAIMS.

The suggestion of this condition or demand on the part of the Government of the United States in order that it may help us in the negotiations to which I am referring, and which give occasion to the present memorandum, shows me that His Excellency President Wilson and his Honorable Secretary of State, who have been affording such great proofs of the intense sentiment of justice which inspires their acts, are absolutely, totally unaware of the situation of the railway company with respect to our Government.

If the company thinks it has the right to make claim against our Treasury for, say, ten units, our Government has claims for one hundred units. Such is the proportion. How then can we be resigned to pay what we do not owe, which, even if we did owe it, would never be enough to compensate us for what is due us?

I can understand without difficulty that the company's agents have, on their part, been most careful to work to the end that the American Government should become acquainted only with such information as favors the cause of said company; and I really think they have succeeded to the full extent of their wishes; but it will suffice for my Government to say two words to put things in their true light with respect to the significance of the claims of each of the two parties.

Thus, independently of the foregoing, there is ground for setting briefly forth the circumstances, all of them in favor of the claims of the Government against the company.

1st. In order that the company might finish the line and bring the trains to the city of Quito, and that President Alfaro might inaugurate this work that has cost the country so many sacrifices, the Government lent to the Company many thousand sucres, which the latter has not returned, and which repayment it appears to ignore.

2d. The company organized an exotic firm called the "Express Company" to which it granted the privilege of being the only depositary of freight to be transported by the railway. Whoever sent freight had to come to an understanding with the Express Company, which charged a fixed tariff rate, high of course, and paid the company much lower rates—the minimum the company could charge. By means of this shameless combination, the income resulting from the operation of the line was the most insignificant possible; while the shareholders of the Express, who were the very members of the company's board of directors, filled themselves up with the high rates they charged private consignees. So scandalous was this audacious machination that the company was obliged to suspend it, on the energetic intervention of my Gov-

ernment; but, meanwhile, what is the total of the amounts of which the railway, and consequently our Government, were defrauded by means of this ingenious method of lessening the proceeds of the operation of the line?

3d. Being aware of the pitiful condition of the company, we resolved to deliver to it, with the consent of the bondholders as an extra help, $2,486,000 gold in preference bonds (prior lien bonds), which amount was to be invested in the payment of the debts that harassed the company, in the acquisition of rolling-stock, the putting in order of the stations along the line, the formation of a fund for administration, and for the cancellation and withdrawal of 233 bonds of the special series. Well, with the exception of the payment of those debts, the company did not comply with any of the other conditions in consideration of which the Government of Ecuador and the bondholders resolved to make that considerable pecuniary sacrifice; and the mockery has even gone to the extreme of neither cancelling the aforesaid 233 bonds, worth $233,000 gold, nor their coupons, worth $40,785 gold, since the holders thereof continually claim the half-yearly service before the Republic's trustee in London, the Government of Ecuador being obliged to present a claim to Messrs. E. H. Norton & Co. of New York, who were the financial agents of the company in 1908, the year in which that operation was effected, the principal of which firm being Mr. E. H. Norton, who is to-day the president of the company. Could more evident proof be afforded of the informality, to say the least of it, of the procedure of the Guayaquil & Quito Railway Company?

4th. It is necessary to call attention to the fact that, in addition to this extraordinary assistance the company received from the Government of Ecuador, the holders of our bonds on their part contributed to help the company by waiving their right to the proceeds of a whole coupon (the one due on July 2, 1907) which amounted to $359,700 gold, which proves more and more that the company has been an immense dump for gold, with no profit to any of the interested parties except the gentlemen who manage the company according to their sovereign will.

5th. The external manifestations of that dictatorial will have sought legal appearances to cover their true significance. Thus, with the object of justifying the incorrect and irritating inversion, greatly prejudicial to our interests, of the funds proceeding from the operation of the railway, the real expenses of administration being deducted, the company has conceived the very curious system of creating a series of stocks, reserve, depreciation, etc., to the accounts of which it assigns those surplus funds, until it leaves our Government without the option to a single cent of said proceeds. In this connection, the company has had the audacity to establish in New York a capital account, to which, according to its own books, there were applied the surplus funds resulting from operation for the year 1911.

6th. What would the Government of the United States of North America say of a railway company operating in its territory that should not keep its books in a scrupulous and frank manner that would show at any moment the details of its administration? Can it be acceptable that the delegates of the Government of Ecuador have no means of studying the book-keeping of the Guayaquil & Quito Railway, constructed with our country's money, simply because the administrators of that railway refuse to permit the examination of all their books and documents?

7th. I do not believe there can be any railway company in the world in the book-keeping of which the accounts of the operation of the line and those relating to construction and reconstruction of same can be confounded. They are direct headings which no one can honestly confound; but in our Guayaquil & Quito Railway the confusion has taken place and does take place systematically, in order, by such means, to employ in the construction of the line the whole of the income derived from operating, and leave the Government without the receipt of a single cent with which to attend to the service of the bonds which have paid and over-paid for that work.

8th. To these merely economic aspects of our claims which amount to a sum much greater, very much greater, than that the Railway Company thinks it has a right to claim, my Government would have to add very bitter complaints about the service of the railway itself, the system of tariffs, the relations of the officials and employees with the public, etc., which complaints an honorable Government like that of the United States of North America could never disregard.

So profound is my conviction respecting these particulars that if it depended on me alone I should not hesitate to appoint as the judge of our cause any hon-

orable functionary of the United States, with the full assurance that he would do us so much justice that it would exceed what we strive for—so unfounded are the claims of the company, and so just our demands.

Then again, in order to accept the suggestion made by the Government of His Excellency Mr. Wilson, our Government would have to ignore the stipulations of the contract that governs its relations with the said Company, which again, for the hundredth time, would thus be in a position to impose its dictatorial will on Ecuador and its Government.

I think that His Excellency the President of the Union can not have appreciated what a step of this kind would mean: it would arouse the Ecuadorian national conscience, totally discredit our Government in the opinion of the public, and increase to the utmost the opposition of the country to anything that might be understood to be related to the United States of North America, against whose interests of every kind the railway has conspired as though dealing with an eternal enemy. Should the American continent learn in all its details what the Railway Company has done with us, I am sure that the whole of America would declare itself in favor of our cause; and this solidarity would be unanimous and warm, should continental opinion learn that said company has the support of a democratic, just and honorable government like that of His Excellency Mr. Wilson.

This must seem strange to the North American Government and people; but if His Excellency Mr. Wilson, wished to learn the details of the annoying history of the Company, I am sure, once he became acquainted therewith, he would not hesitate for a second to exercise his greatest influence in order to reorganize entirely the administration of that Company, sweeping out with an energetic hand all of its employees from the first to the last, and placing at the head thereof an honest and careful functionary thoroughly conversant with railway affairs—a man like Mr. John Smith, the former general manager of the Panama-Colon Railway.

With the direction and administration of the Guayaquil & Quito Railway placed in other hands, the Ecuadorian Government and people would recognize in this change of the situation the direct influence of the Government of the United States; and slowly but surely national sentiment would be modified in favor of the politics and the commercial expansion of the Great Republic.

III. CONCLUSION.

My Government would therefore be much obliged to the Government of His Excellency President Wilson, if conjointly with its support in the negotiations we are carrying on for the purpose of contracting for a loan in the New York market, which loan with that support might be of ten million dollars, it would also resolve to receive information from our representatives, and in accordance therewith to contribute powerfully and decisively towards the reorganization of the Railway Company.

We, on our part, out of the proceeds of that loan, would have great pleasure in paying all arrears to the holders of our bonds.

OFFICE OF THE PRESIDENT,
Quito, August 9, 1915.

File No. 422.11G93/823a.

The Secretary of State to Minister Hartman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 11, 1915—6 p. m.

The Department is informed that Ecuadorian Congress has passed resolution declaring arbitration Guayaquil-Quito Railway case canceled under law of Ecuador, and that the Defensor Fiscal has been instructed to take legal proceedings to lay embargo on railway company's properties in order to obtain immediate possession of the railroad.

Should this be confirmed by you, make formal protest against this arbitrary proceeding which would make it necessary for this Government to consider the adoption of such measures as would give ample protection to this American corporation in its just rights.

It is needless again to point out that the failure of Judge Miller's mission, arranged at the particular request of the Ecuadorian Government, was brought about by the failure on the part of that Government to carry out the written undertakings entered into by its accredited representative with this Government. That the Ecuadorian Government should entertain taking any such steps is all the more surprising to the Department at this time when the exercise of its good offices has been requested to assist Ecuador in obtaining a loan in this country, where the effect of the reported proceedings against the railway company will be most detrimental.

Report promptly, as the Department hopes to be able to reply to President Plaza's proposals transmitted in your No. 130, of August 19, within a few days.

LANSING.

File No. 422.11G93/813.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, October 13, 1915—3 p. m.

Department's October 11, 6 p. m. Formal protest delivered to the Minister for Foreign Affairs this morning.

HARTMAN.

File No. 422.11G93/824.

Minister Hartman to the Secretary of State.

[Extract.]

No. 145.]

AMERICAN LEGATION,
Quito, October 19, 1915.

SIR: Referring to the Department's telegram of October 11, 1915, 6 p. m., and to my telegram of October 13, 3 p. m., I have the honor to make the following report.

The first information this Legation received that the Congress of Ecuador was even considering such a resolution was furnished it on the evening of October 6, when a translation of the resolution, and of the report of the mixed committee reporting the same was delivered to the Legation. At the same time the Legation was informed that the resolutions had been considered in secret joint session of the Congress, but that they would probably be considered in open session before the close of Congress, which was to, and did, close on October 8. Accordingly, on October 7 I personally called upon President Plaza, brought the matter to his attention and requested him to use his good offices to prevent the passage of the resolutions. His answer to that request was that he would speak to Dr. Baquerizo Moreno, the President of the Senate, leaving the

implication that his remarks to Dr. Baquerizo Moreno would be in harmony with my request.

The next information I received on the subject was that the resolutions had passed Congress at 11 o'clcok on the morning of October 8.

Immediately upon receipt of the Department's telegram of October 11, I prepared and delivered to the Minister for Foreign Affairs my note No. 154 of October 13, 1915, of which copies are herewith enclosed. To this note no answer has yet been received.

I also enclose herewith for the information of the Department Spanish copies of the resolutions and the committee report thereon, with translation.

I respectfully point out to the Department that the first paragraph of its telegram above mentioned is not entirely sustained by the resolutions in this, that the resolutions do not instruct the Defensor Fiscal to embargo the properties of the Railway Company in order to obtain immediate possession thereof. But the statement is sufficiently accurate, and certainly all the facts make a case which justify the protest made. Indeed, I should have felt entirely warranted in filing a note of protest even in the absence of any instruction from the Department.

I have [etc.] CHAS. S. HARTMAN.

[Inclosure 1.]

Minister Hartman to the Minister of Foreign Affairs.

No. 154.] AMERICAN LEGATION,
Quito, October 13, 1915.

MR. MINISTER: In compliance with telegraphic instructions from my Government, I have the honor respectfully to invite your excellency's attention to the following important subject, and to submit some views of my Government in relation thereto.

The fact of the passage by the Ecuadorian Congress of a resolution declaring that arbitration of differences between the Government of Ecuador and the Guayaquil & Quito Railway Company under the arbitration agreement stipulated for previously has lapsed, and instructing the Fiscal Attorney, in agreement with the Minister of Public Works, to bring and prosecute suit against the Railway Company in the courts of Ecuador, has been brought to the knowledge of the Department of State at Washington.

That action of this nature should have been taken by the Congress of Ecuador is a matter of great surprise to the Government of the United States; and in pursuance of my instructions it becomes my duty to make formal and earnest protest to your excellency's Government against such action, which, if persisted in, would make it necessary for my Government to consider the adoption of such measures as will give adequate protection to this American corporation in its just rights.

That the Government of Ecuador should entertain or consider taking such a step is all the more surprising to the Department of State of my Government at this time when the exercise of its good offices has been requested to assist Ecuador in securing a loan in the United States, where the obvious effect of the reported proceedings against the Railway Company will be highly detrimental.

Your excellency's well known high sense of just, equitable, and fair dealing induces me to believe, with great confidence that your excellency will after due deliberation agree with me, that the action of the Ecuadorian Congress above mentioned was unwarranted and unjustified and not in harmony with the customary friendly relations which, I am glad to say, have existed for so long a time between our respective Governments.

I avail [etc.] CHAS. S. HARTMAN

[Inclosure 2—Translation.]

Resolution passed by Congress October 8, 1915.

Whereas the legal term of six months having expired within which the Arbitrators Alfredo Baquerizo Moreno and A. L. Miller should have pronounced on the controversy between the Government of Ecuador and the Guayaquil & Quito Railway Company respecting said railway, the arbitration agreement has lapsed; and

Whereas the arbitration agreement having lapsed, legal jurisdiction is restored, according to Article 77 and Clause 2 of Article 82 of the Organic Law of the Judicial Power. Therefore be it

Resolved by the Congress of the Republic of Ecuador:

Article 1. The Fiscal Attorney, in agreement with the Minister of Public Works, shall bring suit to compel the said Company to fulfill its obligations to Ecuador; without prejudice, however, to the negotiation of bases for an extrajudicial settlement or of bases for a new arbitration not open to the objections made to the previous one, said bases to be submitted to the Congress for its approval.

Article 2. With due reserve of rights and until final judgment is rendered, the Executive may provisionally agree with the Railway Company upon a friendly and equitable administration and operation of the railway, disbursement of the proceeds thereof, and application of contract provisions not in conflict with said agreement.

Article 3. The Executive shall publish in the national and foreign press the facts giving rise to the said controversy and the history thereof, and shall disburse for the purpose, out of the extraordinary expense fund, the amount necessary.

File No. 422.11G93/814.

Minister Hartman to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Quito, October 20, 1915—5 p. m.

Referring to my cable of October 13, 3 p. m. Lengthy note from Minister for Foreign Affairs received yesterday. He again raises the question of propriety of diplomatic action by the United States Government but does not say whether the Ecuadorian Government will or will not bring suit as provided by the resolutions. I am informed that negotiations for private settlement are in progress. Copies of note forwarded by mail.

HARTMAN.

File No. 422.11G93/816.

AMERICAN LEGATION,
Quito, October 21, 1915—3 p. m.

My telegram of October 20, 5 p. m. Negotiations mentioned were solicited by Ecuadorian officials within forty-eight hours after note was presented.

HARTMAN.

File No. 422.11G93/816.

The Secretary of State to Minister Hartman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 23, 1915—4 p. m.

Your October 21, 3 p. m. Report briefly nature and scope of private settlement negotiations. Nothing known by Railway Company, New York.

LANSING.

File No. 422.11G93/815.

The Secretary of State to Minister Hartman.

No. 83.] DEPARTMENT OF STATE,
Washington, October 23, 1915.

SIR: Referring to the Department's instruction No. 61 of April 2, 1915, you are hereby instructed to present to the Government of Ecuador the protest of the Guayaquil & Quito Railway Company against the executive decree of the President of Ecuador, dated July 13, 1915, relative to the issuance of three hundred thousand sucres of Treasury warrants, to be received in payment of export duties on cacao, inasmuch as the decree in question constitutes a further impairment of the customs receipts of Ecuador and diverts a part thereof from the service of the railway bonds, which are entitled to a first charge on all customs receipts.

The Department will be glad to have you report the result of your action in this case and also furnish copies of your former protest, and of the reply made thereto, by the Minister for Foreign Affairs of Ecuador, of which the substance was given in your telegram of May 19, 4 p. m.

I am, [etc.]

ROBERT LANSING.

File No. 422.11G93/818.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, October 28, 1915—10 a. m.

Department's October 23, 4 p. m. Preliminary negotiations have resulted in fixing November 4 for first conference at which nature and scope of proposed settlement may be determined. Cannot advise until further notice.

HARTMAN.

File No. 422.11G93/825.

Minister Hartman to the Secretary of State.

[Extract.]

No. 147.] AMERICAN LEGATION,
Quito, November 2, 1915.

SIR: Referring to my dispatch No. 145, of October 19, 1915, I now have the honor to make the following additional report:

On the evening of October 19, 1915, note No. 212 from the Minister for Foreign Affairs, in answer to my No. 154 of October 13, 1915, was delivered at the Legation, and I inclose herewith copies thereof, together with translation. On October 20, 5 p. m., I informed the Department by telegraph of the receipt of said note. Upon Mr. Norton's return to Quito on October 28, we had an interview, and as a result thereof I sent my telegram to the Department at ten o'clock on the morning of said day.

The Department will doubtless recall that the Minister for Foreign Affairs has on two prior occasions, in his official notes, raised the question of the right of the United States to deal diplomatically with the differences existing between the Government of Ecuador and the Guayaquil & Quito Railway Company, and that this Legation has transmitted copies of such notes to the Department.

I particularly invite the attention of the Department to the portion of the note of the Minister for Foreign Affairs herewith inclosed wherein he refers to a note No. 18 addressed by the Secretary of State to the Ecuadorian Minister at Washington under date of May 12, 1915, from which he makes a rather extended quotation.

I have [etc.]

CHAS. S. HARTMAN.

[Inclosure—Extract—Translation.]

The Minister for Foreign Relations to Minister Hartman.

No. 212.] MINISTRY FOR FOREIGN AFFAIRS,
Quito, October 19, 1915.

MR. MINISTER: I have the honor to acknowledge receipt of your excellency's note No. 154 dated the 13th instant.

Therein your excellancy informs me [etc.]

I shall begin by pointing out to your excellency, in reply to the note I have paraphrased above, that the origin of the continual discrepancies which, with respect to the difficulties between my Government and the railway, have latterly arisen between our Governments, is to be found in the fact that there unfortunately exist two different ways of viewing this question: The opinion of the Government of the United States which, contrary to the doctrine accepted by that Government itself in other cases and always maintained by international law, wishes to intervene diplomatically in a matter in which such a course is not admissible; and the opinion of the Government of Ecuador which, in accordance with international law and in harmony with its prescriptions, accepts diplomatic intervention only in cases of a refusal of justice.

The position of the Government of Ecuador has not been controverted with reasons by your excellency's Government, but with acts, such as your excellency's notes which gave occasion for those from this Ministry, numbers 192 of June 22, 1914,[4] 92 of May 14 of the present year,[9] 93 of the same date,[10] and the present one.

As long as the intervention of your excellency's Government is not circumscribed by the limits which international law establishes, my Government can not regard it as legitimate, nor can it believe that its differences with the Guayaquil & Quito Railway Company are differences with the Government of the United States, with which, during a century of independent life, Ecuador has proceeded, as it wishes to always, in the most perfect harmony. Never, in so prolonged a space of time, has the Government of the great nation of Washington, of Hancock and of Lincoln had occasion for any disagreement with Ecuador. If we except the Santos claim, a small matter rapidly settled

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[4] For. Rel. 1914, p 279. [9] Ante, p. 347. [10] Post, p. 369.

by arbitration, the United States has never had anything to demand of this honest and respectful but self-possessed and respectable people called the Republic of Ecuador. It has been reserved to the Guayaquil & Quito Railway Company, which daily receives so many benefits from the country which it endeavors to involve in diplomatic difficulties, to make an attempt against that tradition of friendship carefully maintained by our Governments.

In consequence I inform your excellency that my Government can not admit that your excellency's Government has the right to protest against an act of the Congress of Ecuador which only affects the Guayaquil & Quito Railway Company and can not be a matter for diplomatic action, since it neither is nor implies a refusal of justice.

And so much the less right can I recognize in your excellency's Government to protest against the resolution of the Ecuadorian Congress, which is based on the lapse of the arbitration agreed upon between our Government and the Guayaquil & Quito Railway Company, since said lapse has been tacitly declared by your excellency's Government in the note No. 18 which the Secretary of State of the United States addressed to our Minister in Washington under date of May 12, 1915. The Government of your excellency and the Congress of Ecuador have therefore concurred on this point; and your excellency may consequently form an idea of the magnitude of our surprise at a protest from the representative of the Government of the United States against what may be said, as far as the grounds therefor are concerned, to be nothing more than the corroboration of the respected opinion of that Government itself. Only, from that point of coincidence, two diverse deductions have emanated:

(a) that of your excellency's Government which seems to incline towards the idea that the arrangement between the Government of Ecuador and the Guayaquil & Quito Railway Company should be effected by diplomatic action; and

(b) that of the Congress of Ecuador, which resolves to facilitate said arrangement by judicial action without prejudice to some new possible combination.

The pertinent part of the note of the Secretary of State of the United States to which I refer is in answer to a suggestion made by our representative in Washington, precisely in the effort to seek possible means of a solution. It reads thus:—

> Your suggestion with reference to the provisions in the contract between your Government and the Company for the arbitration of the matter in dispute loses force by reason of the circumstance that attempts at arbitration twice arranged by this Department have in each instance failed; and, referring especially to your note of March 13, 1915, the Department, after mature deliberation, has concluded that it is amply justified in taking up, diplomatically, the present status of the relations of the Government of Ecuador and the Railway Company, and accordingly has instructed the American Minister at Quito to make various inquiries of the Government of Ecuador with respect to its attitude towards the Company, as you were informed upon your visits to the Department on May 6 and 7.

If the Government of your excellency supposes itself authorized by the lapse of the arbitration to employ diplomatic action, which sometimes signifies the use of force, to settle with my Government the differences it has with the Guayaquil & Quito Railway Company, how can it be surprised that the Congress of Ecuador wishes to employ the legal course, that of justice, before its own very respectable tribunals?

Counting upon the benevolence of the Government of the United States, my Government could find in the present an opportunity to ask it respectfully the course it would adopt, if it were in our place, so that, in view of the two failures suffered by the arbitration, of which my Government can not be justly accused, an end might be put to a situation the juridical status of which is immensely prejudicial to Ecuador, because it signifies the permanence of the system of operation of the railway which, according to the well-known phrase of the "Financial Times," beats the world record in the matter of losses and bad administration.

What has been resolved on by our Congress is but a movement of the instinct of national preservation in view of the railway problem, which is the evil that most largely contributes, not only to the unprecedented financial crisis we suffer from in spite of the surplus of our production over out consumption, but also, what is still worse, to nip in the bud every effort to stimulate progress and well-being dependent on financial operations which might have been effected in the United States.

The Congress of Ecuador has therefore been wanting neither in authority, justice nor moderation in the resolution which has given occasion for your

excellency's protest, and which, furthermore, does not exclude the possibility of a new transaction that may render judicial action unnecessary.

Congress has neither thought to give offense to the Government of the United States, nor to impair in any sense the harmony of its traditional relations with our Government, because no one in Ecuador confounds so respectable and eminent an entity with the Guayaquil & Quito Railway Company; so that there can not be attributed to the Ecuadorian Congress, without conspicuous injustice, purposes or intentions that would be in direct opposition to the desire of all Ecuadorians in the sense of preserving unalterable the relations of friendship with the Government of the United States.

In judging therefore of the resolution of our Congress, I regret to differ from the opinion of so well-balanced and justice-loving a person as your excellency, from whose ideas I can only disassociate myself in so exceptional a case as this, in which it is not possible to judge isolatedly of certain acts that originate in a series of complex antecedents which, in their turn, arise from substantial discrepancies of opinion.

I improve [etc.]

R. H. ELIZALDE.

File No. 422.11G93/822.

The Secretary of State to Minister Hartman.

[Telegram.]

DEPARTMENT OF STATE,
November 19, 1915—6 p. m.

Referring to the memorandum transmitted in your number 130 of August 19, wherein President Plaza agreed to set aside sufficient of loan proceeds to pay all outstanding indebtedness to bondholders, refused to settle claims of the railway company, asked the Department to hear Ecuador's case against the railway from the Ecuadorian representative here with a view to reorganization of the railway administration, and requested the support of this Government in the negotiations for a loan of ten million dollars, you may inform the President that the Department is willing to lend its assistance so far as it can properly do so in obtaining a loan, provided,

First: that daily payments be immediately resumed for the service of the bonds, the stoppage of which payments have been solely due to the application of pledged customs revenues to other purposes; and

Second: that the Government of Ecuador, in view of the statement of President Plaza that he would be satisfied with the judgment of Ecuador's cause by an American functionary, engage itself to designate such official, with the approval of the United States Government, for the purpose of examining into the rightfulness of Ecuador's claims against the railway and the company's claims against Ecuador, and of rendering a final decision, it being understood that the functionary shall not question the settlement under the transaction contract incorporated in the arbitral award of 1908.

As regards the President's request for a hearing for Minister Córdova, the Department offered to give the Minister an opportunity for full and frank discussion of this matter in its note to him of July 30 last. The Minister has made no mention of the matter since that time. As regards reorganization of the administration of the railway, this question might be considered after the functionary has rendered a decision.

You will promptly take up the foregoing with President Plaza and endeavor to obtain his formal acceptance of these stipulations.

LANSING.

File No. 422.11G93/829.

Minister Hartman to the Secretary of State.

No. 153.] AMERICAN LEGATION,
Quito, December 5, 1915.

SIR: Referring to the Department's instruction No. 83 dated October 23, 1915, I have the honor to report:

In compliance with said instruction, I presented the protest in my note No. 162 dated November 24, 1915, addressed to the Minister for Foreign Affairs, but have not yet received a reply. Upon receipt of the reply I will report both its contents and the contents of my note of protest above mentioned.

In further compliance with said instructions, I enclose herewith copies of my note No. 130 of May 8, 1915, to the Minister for Foreign Affairs, together with copies and translation of his reply thereto. of which last-named document I telegraphed the substance to the Department in my telegram of May 19, 4 p. m. I would have reported fully by mail the contents of my protest as well as the reply of the Minister for Foreign Affairs, but in the meantime the identical question raised by the Minister for Foreign Affairs in his note above referred to had been presented again in his note of May 14, to which I referred in my No. 118 dated June 4, 1915. It therefore did not seem to me essential to make the report when the only effect could be to make a double presentation of the same question to the Department.

I have [etc.]

CHARLES S. HARTMAN.

[Inclosure 1.]

Minister Hartman to the Minister for Foreign Affairs.

No. 130.] AMERICAN LEGATION,
Quito, May 8 1915.

MR. MINISTER: In compliance with an instruction of my Government I have the honor respectfully to bring to the attention of your excellency the substance of a communication addressed to the Department of State by the Guayaquil & Quito Railway Company.

That communication states that the Company is informed that the "Chief Executive has been authorized to apply as much as forty per cent of all the Government income to the payment of debts in current accounts with the banks of the country, and to use for the same purpose up to sixty per cent of the funds provided for public credit and public works," and that such a disbursement of the Government's income could not be carried out without infringing upon the contractual duties which the Government has with the Guayaquil & Quito Railway Company.

While of course my Government assumes that your excellency's Government does not contemplate any use of the revenues of the country which will infringe the guaranty given the Railway Company, and brings the matter to the attention of your excellency only in a precautionary sense, yet it expresses the hope that it may receive at an early opportunity a definite reply from your excellency's Government, both on the point raised in this note and the one raised in my note No. 66 of May 16, 1914.

I avail [etc.]

CHAS. S. HARTMAN.

[Inclosure 2—Translation.]

The Minister for Foreign Affairs to Minister Hartman.

No. 93.]

MINISTRY FOR FOREIGN AFFAIRS,
Quito, May 14, 1915.

MR. MINISTER: I have the honor to acknowledge receipt of your excellency's note of the 8th instant, in which you call my attention to the substance of a communication addressed to the Department of State by the Guayaquil & Quito Railway Company.

In reply I have the honor to say to your excellency the same that I expressed to you in my note No. 192 of June 22, 1914, in which I gave, in my opinion, a definite answer to that of your excellency No. 66 of May 16 of the same year.

My Government regards acceptance of the intervention of any Power in a matter in which diplomatic action has no legal place as incompatible with the sovereignity of Ecuador and with its status as a free and independent nation.

This excuses me from going into the details to which your excellency refers in the note under acknowledgment.

The railway company is free to deal directly with our Ministry of Public Works and to lay before it the claims that it considers justified by the plans and acts of my Government. That Ministry is the only avenue by which foreign companies, such as the Guayaquil & Quito Railway Company, may approach my Government when, as in the present case, its claims are not based on denial of justice.

Permit me to reiterate to your excellency the language of my note of June 22 last where I say that, considering the spirit of justice that inspires your excellency's Government, and the Panamerican idea of cordial and intimate relations which has been present always, and of late especially, in the relations between Ecuador and the United States, my Government hopes that the Government of your excellency will not find in these questions matter for diplomatic intervention.

The honesty and patriotism on which the leading men of a country necessarily desire to base their administrative acts are antecedents which must not be ignored in examining an accusation, even without giving it full credence but entertaining it only in a precautionary way.

It is to be supposed that in the present case my Government has no thought of impairing obligations already established but, rather, proposes to favor them directly or indirectly. The railway company has not an atom more interest than the Government of Ecuador in the faithful fulfillment of the contract between them, even in the part of it which contains obligations imposed on the Government alone; and the insistence of the Company on seeking shelter in diplomatic action is certainly neither the most upright nor the most appropriate way of settling the pending difficulties.

I avail [etc.]

R. H. ELIZALDE.

File No. 422.11G93/828.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, December 10, 1915—4 p. m.

Department's November 19, 6 p. m. Substance of telegram delivered to President Plaza in confidential memorandum November 22. President Plaza answered December 2, closing his 7-page memorandum with the following words:

My Government cannot, therefore, accept the propositions of the Government of the United States; the first, because it implies for my country an

obligation that the present financial situation does not warrant: and the second, because the Executive is not authorized to accept it.

Full report by mail.

HARTMAN.

File No. 422.11/833.

Minister Hartman to the Secretary of State.

No. 155.] AMERICAN LEGATION,
Quito, December 11, 1915.

SIR: Referring to Department's telegram of November 19, 1915, 6 p. m., and to my telegram of December 10, 1915, 4 p. m., I have the honor to make the following report:

Upon receipt of the Department's said telegram, I prepared and delivered in person to President Plaza, on November 22, 1915, my memorandum, copies of which are herewith enclosed.

On December 2, I received from President Plaza his memorandum in reply thereto, copies of which are herewith enclosed; and on December 10, 4 p. m., I telegraphed the Department the closing paragraph of the memorandum, which seemed to me all that was necessary.

I have [etc.]

CHAS. S. HARTMAN.

[Inclosure 1.]

Minister Hartman to President Plaza.

MEMORANDUM.

The American Minister presents his compliments to His Excellency General Leónidas Plaza G., President of the Republic of Ecuador, and has the honor respectfully to submit for His Excellency's consideration the following views, observations and proposals of the Government of the United States, with special reference to the memorandum submitted by His Excellency to the Minister under date of August 9, 1915, all of which views, observations and proposals being included in a telegram, received by the Minister from the Department of State under date of November 19, and being substantially as follows: [Here follows paraphrase of the above-mentioned telegram, printed ante.]

In submitting the foregoing to the consideration of His Excellency, the Minister expresses the sincere hope that the proposals of his Government, herein set forth, will appeal to His Excellency's high sense of just and fair dealing, and that His Excellency will, at an early day, signify his formal approval and acceptance of the proposals and stipulations herein contained.

Chas. S. Hartman avails [etc.]

AMERICAN LEGATION,
Quito, November 22, 1915.

[Inclosure 2—Translation.]

President Plaza to Minister Hartman.

OFFICE OF THE PRESIDENT,
Quito, [not dated; received December 2, 1915.]

CONFIDENTIAL MEMORANDUM BY THE PRESIDENT OF THE REPUBLIC OF ECUADOR IN REPLY TO THE CONFIDENTIAL PROPOSALS OF THE GOVERNMENT OF THE UNITED STATES OF NORTH AMERICA.

The President of Ecuador has the honor to salute his excellency, the Envoy Extraordinary and Minister Plenipotentiary of the United States of North

America, Chas. S. Hartman, Esquire, and to beg of him that, in reply to his memorandum of the 22d instant, he will be pleased to transmit to his Government the following answer:

I have studied with particular attention the conditions the Government at Washington formulates in order to resolve to aid our Government in the placing of a loan of ten million dollars; and as the result of that study it becomes my duty to remark on said conditions in the following terms:

FIRST PROPOSITION.

The memorandum to which I refer says:

First. That Ecuador immediately resume daily payments for the service of the bonds, the payments thereof having been stopped solely because of the application of the pledged customs revenues to other and different purposes.

If my Government were in a position to resume the daily payments to which the proposition refers, it would not need to negotiate a loan, nor wait for a foreign power to suggest that measure, since it would of its own accord hasten to adopt it. If we apply for credit abroad it is because we have not the means to pay, on account of the decrease of about five million sucres in our customs revenues, the only ones we possess, for we lack internal taxes of any importance. And as we have not the means of living, which is a government's first care, we have been obliged to employ in administrative expenses all the fiscal revenues, including the revenues designed to cover the guaranty of the railway bonds which should be attended to with the profits of the company, and only in the second place by the Ecuadorian State simply as a subsidiary guarantor.

In normal times, our ordinary revenues suffice to satisfy all our needs. But for the European war which has absolutely restricted our import commerce, and our internal war of three years duration which has obliged us to keep in active service a numerous army which is barely fed, our financial situation would not have needed the help of a loan to satisfy the internal and foreign obligations of the country, so that, with that 45% of the import duties and of the other revenues pledged to the guaranty of the railway bonds, we should have not only enough to cover two coupons of those bonds, annually, but four. And my own Government has proved this during its administration of 1901 to 1905 and 1912 to 1914.

In that connection I recall with legitimate satisfaction that, notwithstanding the heavy disbursements we had to make in 1912, 1913 and the first half of 1914, to quell the internal revolt which afflicted us, my Government punctually attended to the service of the railway bonds, not only in respect of what was due thereby, but paying three of the five coupons which the Government of Sr. Alfaro left in default. It was only on the outbreak of the European war and on account of the falling off of our imports that we were obliged to suspend that service. And, in suspending it, let it be understood that we did so with the firm resolve to resume it as soon as we might be barely in a position to do so, appealing meanwhile to foreign credit to place us up to date with the holders of those bonds. If the Department of State of the American Government and the railway company had not prevented, through their influence, the placing of the loan we have had in project in the United States market, our country would perhaps have obtained it long since, and the bondholders would have been paid.

On account of the wealth of its treasury, the American Government does not appreciate the position of the Government of Ecuador; but if the former could imagine itself with its customs revenues reduced to a minimum, without internal resources, and with the burden of a civil war, I am sure it would agree with us that it could not avoid adopting the measure of investing the whole of the fiscal receipts in the maintenance of public administration. We who have suspended the service of the State's guaranty of the railway bonds have not yet reached the extreme of issuing treasury notes of obligatory circulation. And it is certain that we shall not reach that extreme, even though, as at the present moment, we may not be able to cover even the salaries of the personnel of military, police and civil employees, and confine ourselves to provide the first mentioned with food.

During the Government of Sr. Alfaro, the railway company ignored the bondholders. The payment of five coupons was postponed; and the company said nothing, because in exchange for its passivity the head of that Government, intimately bound up with the company, allowed the latter to do what-

ever it had a mind to, always to the detriment of Ecuadorian sovereignty and interests. Today it remonstrates, because my Government does not leave it the former margin of arbitrary acts and iniquitous exploitation. Now, in spite of the fact that my Government has employed the services of the railway in the frequent transportation of troops during the three years the revolution has lasted, what we have paid month by month to the company is infinitely less than what the Government of Sr. Alfaro caused the company to earn in freight *ad hoc*, in an equal proportion of time. It is natural it should complain.

But, on the ground of justice, it is not natural that the Government of the United States should extend its decided protection in terms so unequivocal that said Government should have only pressure for the Ecuadorian Government and favors for the company. Your Government has the undoubted right to deprive us, in its own country, of the benefits of credit; but in doing so, yielding to the efforts of the railway company, and without taking into the slightest consideration the grounds of our complaints and claims, it forgets that our economic ills have their origin in the conduct of that company; for an upright and intelligent administration of the railway should leave over sufficient profits to cover those very obligations that today burden Ecuador, for no other reason than that of its position as guarantor who must pay all instead of the company.

In short, I judge that, unless we obtain the loan, we shall not be able to resume the daily payment to the bondholders of the 45% of the import duties and other fiscal receipts pledged to the service of the railway. On the other hand, I wish to place on record that if we strive to place a foreign loan, it is precisely with a view to cancel all arrears due to the bondholders.

SECOND PROPOSITION.

The memorandum to which I refer says:

> Second. That in view of the declaration made by President Plaza that he would be willing to have the cause of Ecuador judged by an American functionary, Ecuador shall agree to designate such official subject to the approval of the United States Government, and that such functionary shall examine into the merits and rightfulness of the claims of Ecuador against the railway company, and the claims of the railway company against Ecuador, and shall render a final decision thereon; it being understood, however, that the functionary so named shall not question the settlement under the contract agreed upon and passed by arbitral award of 1908.

This proposition makes it clear that an erroneous interpretation has been given to the statement made by me in the memorandum of August 9 last. In that document, on page 9, lines 4 to 10 inclusive, I said literally as follows:

> So profound is my conviction respecting these particulars that *if it depended on me alone* I should not hesitate to appoint as judge of our cause any honorable functionary of the United States, with the full assurance that he would do us so much justice that it would exceed what we strive for—so unfounded are the claims of the company and so just our demands.

As is seen by the paragraph transcribed, I made an hypothesis, when declaring that, *if it depended on me alone, I should not hesitate, etc.* But that step, which I should be ready to take as head of the State, does not depend upon the Ecuadorian Executive, for it is manifest that so important a measure would be solely within the competence of the Legislative Power, unless I resolved to evade the Constitution and the laws, a thing of which I am incapable, and which would settle nothing because such a dictatorial act would lack any validity, present or future. That design did not pass through my mind, for I confined myself to declaring that my faith in the justice of our cause is so profound that, *if it were possible for me to do so*, I should not hesitate a minute to submit it to the decision of any honorable American magistrate. I said nothing more, for I had nothing more to advance, and I attribute the said erroneous interpretation to a disfigurement of ideas produced in translating the Spanish text of the said memorandum into English.

And today I maintain what I then said: if I were empowered to act discretionally in the settlement of these questions with the railway company—but let it be understood that I am not so empowered and that consequently I can not do so—I should not hesitate to ask of President Wilson himself, or of his Secretary of the Treasury, Mr. McAdoo, that, after studying personally the history of the relations of the Government of Ecuador with the railway company, he decide without appeal all the claims submitted by both parties.

I am not, however, authorized to act as the American Government suggests in its second proposition; and in this respect could do nothing more than seek a way to reach a direct settlement with the company, should the latter formulate concrete and admissible propositions, which settlement would have to be submitted for the approval of Congress.

Without any intention of discussing the point, and with the desire to refrain from accepting a false precedent, I deem it necessary to remark that a manifest error is incurred in making reference to an arbitral award of 1908, which has not existed, for as a settlement was agreed upon at that time the necessity for arbitration was thereby eliminated.[11]

My Government can not, therefore, accept the propositions of the Government of the United States; the first, because it implies for my country an obligation that the present economic situation does not warrant; and the second, because the Executive is not authorized to accept it.

Hence my confidential memorandum of August 9 last stands unimpaired.

I am pleased to avail [etc.]

[No signature.]

File No. 422.11G93/828.

The Secretary of State to Minister Hartman.

[Telegram.]

Department of State,
Washington, December 22, 1915—5 p. m

Your December 10, 4 p. m. The Department will await receipt of copy of your memorandum of November 22 and of President Plaza's reply of December 7 [2] before giving further instructions in the matter. Meanwhile endeavor to secure resumption of daily payments for the service of the bonds.

The Department is advised that bondholders are becoming impatient at continued failure of Ecuadorian Government to make any remittances for interest and sinking fund of railway bonds. There appears to be no valid reason why daily payments should not be resumed. The Department sees only possible explanation in the desire of the Ecuadorian Government to bring about disassociation of bondholders and railway interests in the hope that this will result in foreclosure proceedings and the elimination of present railway administration. This Government will not countenance any injustice to legitimate American interests and will insist that the Government of Eucador comply with contractual obligations.

Lansing.

IMPRISONMENT OF M. D. STRONG, AN AMERICAN CITIZEN.

File No. 322.112St8.

Minister Hartman to the Secretary of State.

[Telegram.]

American Legation,
Quito, April 24, 1915.

I was informed yesterday by telegraph from American Consul General, Guayaquil, that an American citizen and two British sub-

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[11] For. Rel. 1908, p. 273.

jects are under arrest at Manta charged with complicity in robbery of railway April 12. British Chargé d'Affaires and I have each requested prompt information giving names of parties concerned and full statement of charges and proof against them. The Foreign Office promised to telegraph immediately and furnish the information as soon as received. British Chargé d'Affaires is informed by British Consul, Guayaquil, that the Governor refuses bail to the men arrested or permission to telegraph.

HARTMAN.

File No. 322.112St8.

The Secretary of State to Minister Hartman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 26, 1915.

Your April 24. Insist that authorities permit American prisoner free communication with his diplomatic and consular representatives.

BRYAN.

File No. 322.112St8/1.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, April 29, 1915.

Your April 26. Permission granted. Important that investigation of case of imprisoned American at Manta be made immediately. Bahia fifty miles from Manta. I recommend that consular agent at Bahia be instructed to investigate.

HARTMAN.

File No. 322.112St8/1.

The Secretary of State to Consul General Goding.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 1, 1915.

Have agent Bahia investigate reported arrest American citizen at Manta.

BRYAN.

File No. 322.112St8/4.

Consul General Goding to the Secretary of State.

[Extract.]

No. 85] AMERICAN LEGATION,
Guayaquil, May 11, 1915.

SIR: I have the honor to report that after receiving your telegram of May 1, 1915, relative to the arrest of Mr. Strong, an American citi-

zen who is one of the superintendents of the Manta Railway, I cabled to Consular Agent Santos, through the Esmeraldas Agency, as the only available route, to investigate the matter and report by telegraph and, later, in full by letter.

Mr. Santos received my message while ill in bed with fever; and as Consular Agent Hedian was to pass through Manta en route to Guayaquil, on private business, Mr. Santos requested him to make the investigation.

Mr. Hedian reports to me that he called on Mr. Strong, whom I personally know, who stated he was on board a steamer in the Manta harbor, miles distant, when a train robbery was committed by the revolutionists out on the line. A few days later a local newspaper asserted that the editor was of the opinion that the railway officials were implicated in the robbery, whereupon the Governor of the Province of Manabí, in which Manta is located, ordered the arrest of a number of those officials, but soon afterward liberated all but Mr. Strong, an American, and Mr. Scott, the locomotive engineer of the train, the latter being a British subject.

Mr. Santos telegraphed the Governor asking that Mr. Strong be given his liberty but the Governor refused.

The state of affairs in Manabí is anything but peaceful, the province being practically in the control of small bands of robbers who cannot be termed revolutionists.

Mr. Strong informed Mr. Hedian he was wholly innocent, and knew absolutely nothing of the affair until after it had occurred. He has now been in jail for three weeks with no prospect of even an examination and is suffering in health. Some emphatic move should be made for his relief, otherwise Mr. Strong's release is a question of months.

I have [etc.]

F. W. Goding.

File No. 322.112 St8/2.

Consul General Goding to the Secretary of State.

[Telegram.]

American Legation,
Guayaquil, May 12, 1915.

Consular Agent en route from Esmeraldas has investigated case of Strong, arrested Manta, who was miles distant from the robbery; no evidence against them.

Goding.

File No. 322.112 St8/2.

The Secretary of State to Minister Hartman.

[Telegram.]

Department of State,
Washington May 14, 1915.

Your April 29. Guayaquil reports consular agent investigated arrest Strong, found no evidence against prisoner. Use best efforts obtain Strong's release.

Bryan.

File No. 322.112 St8/3.

Minister Hartman to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Quito, May 22, 1915.

Department's May 14. I presented case of Strong this afternoon and at seven o'clock the Minister for Foreign Affairs informed me that orders had been telegraphed to Manta for his release. Full report by mail.

HARTMAN.

File No. 322.112 St8/6.

Minister Hartman to the Secretary of State.

No. 114.] AMERICAN LEGATION,
Quito, May 24, 1915.

SIR: Referring to my telegram of May 22, 1915, and other telegrams relating to the arrest and imprisonment at Manta of M. D. Strong, an American citizen, for alleged complicity in the robbery on April 12, 1915, of a train carrying Government money to pay troops, I have the honor to make the following report:

My first information of the occurrence was derived from a telegram from Consul General Goding, dated April 22, which reached me on the morning of April 23. This telegram advised me

that a citizen of the United States named Strong and certain British subjects are under arrest on suspicion of being implicated in the robbery of a train on the 12th day of April. They have been denied telegraph communications. For full details I suggest you confer with British Minister.

I immediately called on the British Chargé d'Affaires, and after consultation with him prepared and presented to the Foreign Office my memorandum dated April 23, 1915, duplicate copies of which memorandum being herewith enclosed.[12]

As to the succeeding steps taken in the matter, I respectfully inform the Department that all the vital history of the case up to the time of my telegram of May 22, announcing the orders for the release of Mr. Strong, will be found in my note No. 136 (with enclosures), presented May 22 to the Foreign Office, duplicate copies of which being herewith enclosed.

However, I ought to say that I am purposely omitting to report the contents of two notes received from the Foreign Office, because they contained nothing responsive to my request for information and were entirely useless to me.

I probably ought also to inform the Department that I had several personal interviews with the Minister for Foreign Affairs in relation to the case, to which no reference is made in said note No. 136, as there appeared no reason therefor. And I ought further to say that I believe the Minister for Foreign Affairs acted in good faith and endeavored to comply with my request for proper information; but the Governor of Manabí, encouraged by the Minister of the Interior,

[12] Not printed.

who is a bitter foe of the United States, had immediate control of the situation and prevented the information from being furnished.

Before closing this despatch it is both just and proper that I express my sincere appreciation of the prompt and efficient work of our Consul General and Mr. Geo. D. Hedian, our Consular Agent at Esmeraldas, without which no adequate presentation of the case could have been made.

I regard the report of Mr. Hedian as having been largely instrumental in convincing the Ecuadorian Government of the justice of Mr. Strong's cause.

I have [etc.]

C. F. HARTMAN.

[Inclosure.]

No. 136.] QUITO, ECUADOR, *May 21, 1915.*

MR. MINISTER: Respectfully inviting the attention of your excellency again to my note No. 131, of May 12, 1915, to your excellency's note No. 91, of same date, in reply thereto, and to my memorandum of April 23, 1915, all relating to the arrest and imprisonment at Manta of Mr. Strong, an American citizen, I now have the honor to submit to your excellency the following facts and observations:

On April 23, 1915, I presented to your excellency a memorandum, wherein, after reciting a telegram from Mr. Goding, American Consul General at Guayaquil, and repeating certain information received by me from Hon. Lucien J. Jerome, British Chargé d'Affaires at Quito, I respectfully asked your excellency's Government for "immediate information, * * * including the nature of the proof which the Governor or other authority has against them (him) giving a complete detail narrative thereof."

In conformity with your excellency's usual courteous and just conduct, your excellency assured me that the authorities in Manabí would be ordered to furnish the desired information promptly, which would, when received, be promptly transmitted to this Legation; and I have no doubt that such orders were given in accordance with your excellency's prompt and courteous assurance. But the authorities in Manabí, responsible for the arrest and imprisonment of Mr. Strong, have totally ignored the orders of your excellency's Government and, up to this date, have failed or refused to furnish the information requested of them. I make the foregoing statement with great confidence, for I place so much reliance in the promise of your excellency that I am certain that if the complete detailed narrative of the case, including "the nature of the proof which the Governor or other authority has against him" had been furnished to your excellency's Government in obedience to its orders a copy thereof would promptly have been delivered to me in compliance with your excellency's assurance above mentioned.

After waiting patiently for nine days for the information requested without having received it, I reported the matter to my Government at Washington and asked and obtained permission to have an investigation made immediately through the American Consular Service. And accordingly, on May 2, 1915, Mr. George D. Hedian, American Consular Agent at Esmeraldas, was ordered to undertake the work of investigation.

In compliance with that order, Mr. Hedian left Esmeraldas on May 4 for Manta. He completed his investigations and his report, bearing date May 12, 1915, has been delivered to this Legation. For the information of your excellency, I am enclosing with this note a copy of that portion of Mr. Hedian's report which records the history and result of his investigation.

Accompanying his report, Mr. Hedian has transmitted to the Legation a copy, consisting of 84 pages written in Spanish, of proceedings and testimony taken in the case, which I am herewith submitting to your excellency for inspection and use in connection with this note at this time, with the request that the same may be returned to this Legation after its examination by your excellency, and should your excellency so desire, a copy thereof will be hereafter

supplied for the files of the Foreign Office. I also have the honor to enclose for your excellency's information the following:

1. Extract from letter written by Mr. M. D. Strong (the imprisoned American) to this Legation, written from Manta under date of May 2, 1915.

2. Extract from letter from British Vice Consul at Manta to Mr. Cornwall, dated April 19, 1915.

3. Extracts from a letter written by Mr. C. H. Aylesbury to Mr. Jarvis, dated April 21, 1915.

4. Spanish text of a telegram prepared and signed by Mr. M. D. Strong, and directed to this Legation, which was refused transmission by the telegraph agent in Manta, and which reached this Legation May 8, by mail.

5. Telegram from British Consul Wilson to Honorable L. J. Jerome, British Chargé d'Affaires, dated April 22, 1915.

A careful examination of the report of Mr. Hedian, and of the copy of proceedings and testimony taken in the case, and herewith presented for examination, and of the other papers and extracts enclosed, when taken in connection with the deliberate failure of the prosecuting officers in Manabí to obey the orders of your excellency's Government and furnish the desired information as requested, inevitably leads to the following conclusions:

1. That the arrest and imprisonment of Mr. Strong was inspired solely and only by the malice and prejudice held against him by the Governor of Manabí.

2. That the officials in Manabí, to whom orders were given by your excellency's Government to furnish promptly the information above mentioned, have ignored and disregarded said orders in contempt of the dignity and authority of your excellency's Government, and in derogation and denial of the rights of a friendly government and country.

3. That there is no testimony in the record presented which even remotely connects Mr. Strong with the commission of or participation in the crime charged, or any other offense.

4. That more than thirty days have elapsed since his arrest, and, so far as this Legation has any information, no formal charge has been filed against him, and no final decision rendered by the 3rd Judge of Letters of Manabí, who is conducting the investigation.

5. That the refusal to admit Mr. Strong to bail is an additional proof that the malice of the Governor against him is the sole and only motive for his arrest and imprisonment.

6. That, by reason of such animosity and malice on the part of the Governor toward Mr. Strong, and of the great influence of said Governor over and upon the courts and juries of the country, it is impossible for Mr. Strong to obtain justice in said courts.

Even the Judge of the Court, conducting the inquiry, has failed to decree that he finds *grave presumption* of the guilt of Mr. Strong, which the law of Ecuador requires before the accused can lawfully be imprisoned.

So far as the record herewith presented shows, there is not a word of testimony connecting Mr. Strong with the crime, or any crime, directly or indirectly, and no court in the world, where actual justice is administered, would hesitate a moment to discharge him on the showing made. In short, his detention, in the absence of any testimony against him, is a travesty on justice and a reflection on the good name and fame of the Government of Ecuador, brought about by the local officers in Manabí.

While it is true that telegraphic communication with Manta has been interrupted, yet, had the prosecuting authorities been so disposed, the report requested could have easily been furnished by them, and sent by mail by this time; because Mr. Hedian left Esmeraldas on May 4, proceeded to Manta, completed his report on May 12, and mailed it to this Legation. So there is no justification for the delay on the part of the authorities in Manabí.

In view of the foregoing conclusions and arguments, which appear to me to be incontrovertible from the history of the case as presented, and which will, I have no doubt, appeal to your excellency's high sense of justice, it becomes my duty to respectfully express the earnest hope of my Government that your excellency's Government will find it compatible with its high conception of justice and public duty to promptly issue orders to the proper authorities in Manabí for the immediate release and final discharge of Mr. Strong. I need not assure your excellency of what you are already well aware, that if I believed Mr. Strong guilty of any crime or complicity in crime against your excellency's Government, I would decline to intercede in his behalf; for I regard

it to be the duty of every foreign resident of Ecuador to obey the laws and respect the dignity and authority of your excellency's Government.

It is my further duty and pleasure to assure your excellency that the granting of this request, so manifestly just and proper, will be appreciated by my Government as additional proof of the friendliness of your excellency's Government toward the Government and people of the United States.

I avail myself [etc.]

CHAS. S. HARTMAN.

File No. 322.112St8/6.

The Acting Secretary of State to Minister Hartman.

No. 70.] DEPARTMENT OF STATE,
Washington, June 23, 1915.

SIR: The Department has received your No. 114 of May 24, transmitting correspondence in relation to the imprisonment of Mr. M. D. Strong.

You will state to the Foreign Office that the Department considers that the Ecuadorian Government should take appropriate action against the Governor of Manabí because of his arbitrary and illegal measures which were responsible for the unwarranted arrest and imprisonment of Mr. Strong. The action taken should include a serious warning to the authorities of Manabí against further ill treatment of foreigners in that province.

The Department appreciates the successful labors of your Legation and the interested consular officers in obtaining the release of Mr. Strong, and you will please so inform such consular officers.

I am [etc.]

JOHN E. OSBORNE.

File No. 322.112St8/9.

Minister Hartman to the Secretary of State.

No. 139.] AMERICAN LEGATION,
Quito, September 21, 1915.

SIR: Referring to Department's No. 70 of June 23, 1915, in relation to the imprisonment of Mr. M. D. Strong, I have the honor to inform the Department that after personally presenting the substance of the Department's instruction to the Minister for Foreign Affairs, I was by him to-day informed that his Government had, shortly after the discharge of Mr. Strong, expressed its disapproval of what had been done by the Governor of Manabí and gave instructions to him that there should be no further ill treatment of foreigners in that province. The Minister further said that the matter would receive his further attention, as he desires very much to meet as near as possible the wishes of the Government of the United States. I will report further action when the same occurs.

I have [etc.]

CHAS. S. HARTMAN.

FRANCE.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND FRANCE.

Signed at Washington, September 15, 1914; ratification advised by the Senate, September 25, 1914; ratified by the President, January 14, 1915; ratified by France, December 3, 1914; ratifications exchanged at Washington, January 22, 1915; proclaimed, January 23, 1915.

Treaty Series No. 609.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Treaty between the United States of America and the French Republic looking to the advancement of the cause of general peace was concluded and signed by their respective Plenipotentiaries at Washington, on the fifteenth day of September, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and French languages, is word for word as follows:

Treaty to facilitate the settlement of Disputes.

The President of the United States of America and the President of the French Republic, desiring to strengthen the friendly relations which unite their two countries and to serve the cause of general peace, have decided to conclude a treaty for these purposes and have consequently appointed the plenipotentiaries designated hereinafter, to-wit:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State of the United States; and

The President of the French Republic, His Excellency J. J. Jusserand, Ambassador of the French Republic to the United States;

Who, after exhibiting to each other their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

Any disputes arising between the Government of the United States of America and the Government of the French Republic, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to arbitration, be submitted for investigation and report to a Permanent International Commission constituted in the manner prescribed in the following article.

The High Contracting Parties agree not to resort, with respect to each other, to any act of force during the investigation to be made by the Commission and before its report is handed in.

ARTICLE 2.

The International Commission shall be composed of five members appointed as follows: Each Government shall designate two members, only one of whom shall be of its own nationality; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the Commission; he shall perform the duties of President.

In case the two Governments should be unable to agree on the choice of the fifth commissioner, the other four shall be called upon to designate him, and failing an understanding between them, the provisions of article 45 of The Hague Convention of 1907 shall be applied.

The Commission shall be organized within six months from the exchange of ratifications of the present convention.

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise (from death, resignation, or cases of physical or moral incapacity) shall be filled within the shortest possible period in the manner followed for the original appointment.

The High Contracting Parties shall, before designating the Commissioners, reach an understanding in regard to their compensation. They shall bear by halves the expenses incident to the meeting of the Commission.

ARTICLE 3.

In case a dispute should arise between the High Contracting Parties which is not settled by the ordinary methods, each Party shall have a right to ask that the investigation thereof be intrusted to the International Commission charged with making a report. Notice shall be given to the President of the International Commission, who shall at once communicate with his colleagues.

In the same case the President may, after consulting his colleagues and upon receiving the consent of a majority of the members of the Commission, offer the services of the latter to each of the Contracting Parties. Acceptance of that offer declared by one of the two Governments shall be sufficient to give jurisdiction of the case to the Commission in accordance with the foregoing paragraph.

The place of meeting shall be determined by the Commission itself.

ARTICLE 4.

The two High Contracting Parties shall have a right, each on its own part, to state to the President of the Commission what is the subject-matter of the controversy. No difference in these statements, which shall be furnished by way of suggestion, shall arrest the action of the Commission.

In case the cause of the dispute should consist of certain acts already committed or about to be committed, the Commission shall as soon as possible indicate what measures to preserve the rights of each party ought in its opinion to be taken provisionally and pending the delivery of its report.

ARTICLE 5.

As regards the procedure which it is to follow, the Commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of Convention 1 of The Hague of 1907.

The High Contracting Parties agree to afford the Commission all means and all necessary facilities for its investigation and report.

The work of the Commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the High Contracting Parties should agree to set a different period.

The conclusion of the Commission and the terms of its report shall be adopted by a majority. The report, signed only by the President acting by virtue of his office, shall be transmitted by him to each of the Contracting Parties.

The High Contracting Parties reserve full liberty as to the action to be taken on the report of the Commission.

ARTICLE 6.

The present treaty shall be ratified by the President of the United States of America, with the advice and consent of the Senate of the United States, and by the President of the French Republic, in accordance with the constitutional laws of France.

It shall go into force immediately after the exchange of ratifications and shall last five years.

Unless denounced six months at least before the expiration of the said period of five years, it shall remain in force until the expiration of a period of twelve months after either party shall have notified the other of its intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Washington this 15th day of September, in the year nineteen hundred and fourteen.

[SEAL.] WILLIAM JENNINGS BRYAN
[SEAL.] JUSSERAND

And whereas, the said Treaty has been duly ratified on both parts and the ratifications of the two governments were exchanged in the City of Washington, on the twenty-second day of January, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-third day of January in the year of our Lord one thousand nine hundred and
[SEAL.] fifteen, and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.

AGREEMENT BETWEEN THE UNITED STATES AND FRANCE, EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE 2 OF THE TREATY OF SEPTEMBER 15, 1914, EFFECTED BY EXCHANGE OF NOTES SIGNED NOVEMBER 10, 1915.

Treaty Series No. 609–A.]

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, November 10, 1915.

EXCELLENCY: It not having been found feasible to complete the International Commission provided for in the Treaty of September 15, 1914 between the United States and France, looking to the advancement of the general cause of peace, within the time specified in the Treaty, which expires tomorrow, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended by an exchange of notes from July 22, 1915, to January 1, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT LANSING.

The French Ambassador to the Secretary of State.

[Translation.]

EMBASSY OF THE FRENCH REPUBLIC TO THE UNITED STATES,
Washington, November 10, 1915.

MR. SECRETARY OF STATE: In reply to your excellency's letter of this day's date I hasten to confirm the oral assurances which I had previously given you and to the effect that my Government agrees with that of the United States to decide that the time within which the members of the Commission provided by the Treaty of September 15, 1914, are to be designated will be extended from July 22, 1915, to January 1, 1916.

The present exchange of notes is considered by my Government as sanctioning the said extension of time.

Be pleased to accept, Mr. Secretary of State, the assurances of my high consideration.

JUSSERAND.

LIABILITY TO FRENCH MILITARY SERVICE OF NATURALIZED AMERICAN CITIZENS OF FRENCH ORIGIN AND OF AMERICAN-BORN CHILDREN OF FRENCH PARENTAGE.[1]

File No. 351.117/27.

The Secretary of State to Ambassador Sharp.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 5, 1915.

452. Mr. Herrick's despatch 767, November 17. Ask release Chandeysson, now in 120th French Territorials, and permission immediate return this country. Department informed important interests here need his attention. See Department's telegram December 31 concerning August Peralme.

BRYAN.

File No. 351.117/30.

Ambassador Sharp to the Secretary of State.

[Telegrams.]

AMERICAN EMBASSY,
Paris, January 14, 1915.

452. Department's 442, December 31. Representations made as directed. French Government in reply state that the Civil Code makes no distinction between Frenchmen emigrating prior to reaching age of military service and those emigrating after reaching such age. They further state that naturalization of a French citizen only causes him to lose his French nationality when authorized by French Government. They also state that by virtue of fundamental principle of French legislation a French minor cannot effectually change his country or become naturalized before attaining majority; but before reaching his majority every Frenchman becomes liable to military service. Therefore French note concludes Peralme's definite release from military obligations can only take place after accomplishment of his regular military service in France, and after passing the age of thirty-four years, thus passing into the territorial army, when his naturalization in a foreign country would be fully recognized.

SHARP.

File No. 351.117/31.

AMERICAN EMBASSY,
Paris, January 14, 1915.

453. Department's 452, January 5. Representations made as directed. In reply, French Minister for Foreign Affairs declines to intervene in behalf of Chandeysson, using same arguments as in case Peralme, reported in my 452.

SHARP.

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[1] Continued from For. Rel. 1914, pp. 291–301. See a similar entry under Italy.

File No. 351.117/30.

The Secretary of State to Ambassador Sharp.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 21, 1915.

493. Your 452 and 453, January 14. Say to Foreign Office this Government still hopes that French Government will discriminate between cases of Frenchmen naturalized as Americans and see its way clear to release those who emigrated before actually becoming liable for military service. On the one hand, loss to France by release of such persons desiring to be released, it is believed, would be negligible. On the other hand, there is no little suffering to such persons and their destitute families in this country, while much feeling is being created by the detention of American naturalized citizens. Department regrets it will be obliged to bring the matter to the attention of the French Government whenever informed of the impressment into the French Army of a naturalized American.

In this connection, mention case of Louis Paul Lacombe, Saint-Roch, Department Aveyron; emigrated age 4 years; naturalized February 8, 1912.

BRYAN.

File No. 351.117/21.

The Secretary of State to Mr. Milton K. Young.

DEPARTMENT OF STATE,
Washington, February 1, 1915.

SIR: With reference to your letter[2] of September 17, 1914, and the Department's reply of September 22, concerning the imprisonment in the French Army of François Pellissier, a naturalized American citizen of French origin, you are informed that the Department has received a despatch from the American Ambassador at Paris, reporting that the French Government declines to release Mr. Pellissier for the reason that he is still considered a French citizen under French law. In explanation of its position in this matter, the French Foreign Minister made the following statement:

> The Law of March 21, 1905, provides in Article 1 "that every Frenchman is subject to personal military service." Moreover Article 17 of the Civil Code provides that "if a Frenchman is still subject to military duty in the active army, foreign naturalization shall only allow him to lose his French nationality when said naturalization shall have been authorized by the French Government."
>
> Mr. Pellissier was naturalized American on July 30, 1900; he was still at that time subject to military duty; he should therefore have obtained the authorization of the Government. Inasmuch as he became naturalized without authorization, the military authorities were bound to consider him as having remained French.

The Department is still discussing with the French Government the question of the status of naturalized American citizens of French origin detained in France for military service, but I regret to say

[2] Inclosed with the Department's 317 to Mr. Herrick, September 24, 1914. For. Rel. 1914, p. 297.

that the French Government has not yet shown a willingness to recede from the position indicated in the statement of the Foreign Minister, just quoted.

I am [etc.]

For the Secretary of State:
ROBERT LANSING,
Counselor.

File No. 351.117/48.

Mr. P. A. Lelong to the President.

NEW ORLEANS, *April 8, 1915.*

DEAR MR. PRESIDENT: On March 27, 1915, I sent to Hon. William J. Bryan, Secretary of State of the United States, a letter of which I annex a copy. To that letter I am in receipt of an answer, dated April 2, 1915 (of which I annex a copy) signed for the Secretary of State by Robert Lansing, Counselor. From the conclusion thus reached on the facts of my case by the Secretary of State and his subordinate, "I appeal to Caesar." I make this appeal in my own behalf and in behalf of the large number of American citizens similarly situated.

Conceding the proposition that I was born with a dual nationality (if such a thing can exist) this duality of nationality ceased when I became of age and elected to exercise my birthright granted to me by the Constitution of the United States as one born in its territory and under its dominion, took an oath to support that Constitution and held office under its authority, and under the authority of two States of the American Union. This proposition must be true unless the Government of the United States shall permit its organic law to be overridden by the laws of a foreign country. It is manifest that between that Constitution and the personal statutes of France which would make me a French citizen against my will and deprive me of my birthright as one born in the United States, there is an irreconcilable conflict. I cannot believe that you will permit the State Department to commit this nation to the policy outlined in the letter to me from that Department, and thus bow its august neck to the yoke of a foreign statute.

Under this policy, one who had been President of the United States or Chief Justice of its Supreme Court, or a Senator and Representative in the Congress, or Commander-in-chief of its armies or High Admiral of its navies, could be seized in France and put into its armies, or punished for evasion of military duty. I am only a humble citizen, but my rights are as great and sacred as those of any other citizen.

I therefore respectfully ask you and your Cabinet to take up the serious matter herein propounded, to reverse the ruling of the Department of State, and to lay down the proposition that one born in this country of French parents, who elects when he becomes of age to be a citizen of the United States, is such citizen and is entitled to the full protection of the United States both in and out of France, free and exempt from any provision of the French law as to his citizenship.

Your obedient servant,

P. A. LELONG, Jr.

[Inclosure 1.]

Mr. Lelong to the Secretary of State.

NEW ORLEANS, LA., *March 27, 1915.*

YOUR EXCELLENCY: My father, P. A. Lelong, was a native of France and came to New Orleans when he was about 20 years of age; lived here about 40 years. He died here about two years ago, but about five years before his death, took out naturalization papers.

I was born in New Orleans June 18, 1880. I have never been out of the United States and have regularly voted as an American citizen since I reached the age of 21 years, and if war had ever occurred between France and the United States, I most certainly would have fought for the United States. I have held the office of Township Commissioner in Henderson County, North Carolina; have held several court appointments, both Federal and State, and am a member of the State and Federal bar, and have considered myself as much an American citizen as President Wilson or any of the members of the Cabinet.

I wish to visit France on business in the near future, and am informed by Mr. Ferrand, the French Consul here, that if I go to France I could be either impressed into the French service or punished for not having reported for military duty, and also for having served in the State Militia of Louisiana without permission from the French Government.

I contend that if the French Government had any right to claim me as a citizen under their laws, in time of peace they should have called on me to serve my three years in their military service.

Wishing to know whether my constitutional privileges as an American citizen follow me wherever I go, with its constitutional guaranties, or whether the United States Government will allow the French Government to act in the manner as stated by Mr. Ferrand, the French Consul, I respectfully request an answer at as early a date as possible.

Respectfully yours,

P. A. LELONG, Jr.

[Inclosure 2.]

The Secretary of State to Mr. Lelong.

DEPARTMENT OF STATE,
Washington, April 2, 1915.

SIR: The Department has received your letter of March 27, 1915, stating that you expect to go to France on business in the near future and inquiring whether you would be molested by the French military authorities. You say that you were born in New Orleans June 18, 1880, and that your father, a native of France, resided in this country about forty years and obtained naturalization as a citizen of the United States shortly before his death, which occurred about two years ago.

Under the provision of the Fourteenth Amendment to the Constitution, all persons born in the United States and subject to the jurisdiction thereof are citizens of the United States. Section 1 article 7 [8] of the French Civil Code states that the following are Frenchmen: "Every person born of a Frenchman in France or abroad." It thus appears that you were born with a dual nationality, and the Department cannot therefore give you any assurance that you would not be held liable for the performance of military service in France should you voluntarily place yourself within French jurisdiction.

I am [etc.]

For the Secretary of State:
ROBERT LANSING,
Counselor.

File No. 351.117/49a.

The Secretary of State to Mr. P. A. Lelong.

DEPARTMENT OF STATE,
Washington, May 5, 1915.

SIR: The Department has received, by reference from the White House, your letter of April 8 to the President in regard to the De-

partment's letter to you of April 2, concerning the question of your status in France. It appears that you were born in New Orleans, June 18, 1880, and that your father was born in France, resided in this country about forty years, and obtained naturalization as a citizen of the United States a short time before his death, which occurred about two years ago. In reply to the Department's letter to the effect that, although you are a citizen of the United States under the law of this country, you may also be considered a French citizen under French law, you ask the President and his Cabinet "to reverse the ruling of the Department of State, and to lay down the proposition that one born in this country of French parents, who elects when he becomes of age to be a citizen of the United States, is such citizen and is entitled to the full protection of the United States both in and out of France, free and exempt from any provision of the French law as to his citizenship."

The Department's letter mentioned above does not contain any opinion which it feels called upon to reverse. You were merely informed concerning the provision of the French law of nationality under which you might be considered a French citizen in France, and told that the Department is not in a position to give you an assurance that you would not be held liable for the performance of military service in France should you voluntarily place yourself within French jurisdiction. I may add that a conflict of citizenship laws may be satisfactorily adjusted only through a treaty arrangement, and there is no treaty between the United States and France covering the status of persons born in either country of citizens of the other country. While it might be deemed reasonable that a person born in the United States of alien parents should be able to elect American nationality upon reaching majority, to the exclusion of any and all other nationalities, provided he intended to reside permanently in this country and perform the usual duties of citizenship, the Department, in the absence of a treaty provision, cannot assure you that such election would be recognized as effective in France. If at any time in the future you should find it necessary to visit France and should there be molested upon the ground that you are a French citizen, you should inform a diplomatic or consular officer of the United States, who would report the matter to the Department in order that it might take such measures in your behalf as would seem warranted by the peculiar facts and circumstances of your case.

I am [etc.]

For the Secretary of State:
ROBERT LANSING,
Counselor.

File No. 351.117/52.

The Secretary of State to Ambassador Sharp.

No. 446.] DEPARTMENT OF STATE,
Washington, July 1, 1915.

SIR: I send you herewith a copy of a letter of June 10 from Professor Joseph Seronde, of New Haven, Connecticut, in which he says that he has received from the French Consul General in New York

City a notice to the effect that he is "to be subjected to the full rigor of the law" for not having joined his regiment in France before November 14 last. It appears that Mr. Seronde came to this country at the age of fourteen in the year 1897 and has obtained naturalization as a citizen of the United States, and he says that he did not consider himself bound to obey the military laws of France in view of the fact that he is an American citizen. He enquires whether, in case he goes to France after the war, he will be "disciplined" for having failed to respond to the summons of the French military authorities.

You will please present this case to the French Government and say that this Government cannot recognize the right of French officials to summon citizens of the United States residing within the territory and jurisdiction of this country to leave the United States and go to France to perform military service, whether or not they may be considered French citizens under French law. You may add that this objection applies equally to cases of persons who were born in France and have obtained naturalization as citizens of this country, at the same time renouncing allegiance to their native country, and cases of persons born in the United States of French parents. With regard to the latter it should be remarked that the Fourteenth Amendment to the Constitution of the United States provides that all persons born in the United States and subject to the jurisdiction thereof are citizens of the United States.

You may also say to the French Government that it is hoped that instructions will be issued to diplomatic and consular officers of France in this country to desist in the future from summoning for military service in France persons who are residing in the United States and are citizens of this country.

I am [etc.]

ROBERT LANSING.

[Inclosure.]

Mr. Joseph Seronde to the Department of State.

NEW HAVEN, CONN., *June 10, 1915.*

GENTLEMEN: I am in receipt from the French Consul General in New York of a notice to the effect that I am "to be subjected to the full rigor of the law" for not having joined "my regiment" before last November 14th. I am an American citizen, having lived in this country since the age of 14 and having been duly naturalized in the State of Connecticut, Fairfield Co. As an American citizen, I did not consider myself bound to obey other laws than those of the United States, and the French Consul's notice comes as a disagreeable surprise, all the more as he knows the facts I have just stated. I should like to know exactly what my status is. Am I to be outlawed in France for fulfilling my duties as an American citizen, or shall I lose my citizenship by returning to France? I understand that I should also be "disciplined" for having failed to come sooner. It is of course evident that nothing can happen as long as I remain in this country; but, a professor of languages, it is often necessary for me to go abroad; I have, in fact, planned to do so when the war is over. Does my American citizenship offer any protection? I am French only by birth, practically, since my education was made in this country, where I have resided continuously since 1897. I should be very grateful for any information you can give me.

Yours very truly,

JOSEPH SERONDE.

File No. 351.117/55.

Ambassador Sharp to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Paris, November 9, 1915, 4 p. m.

1089. Doctor Kirghis, bearer Departmental passport 8125, September 24, 1915, naturalized citizen of the United States, French extraction, having left France at age of thirteen years and returning last month to France from United States to visit dying father, has been summoned for military service French army. Has applied to me for protection. He is resident and property owner in Saint Cloud, Minnesota, doctor by profession, and forty years of age. Am authorized to make representations to Foreign Office?

SHARP.

File No. 351.117/55.

The Secretary of State to Ambassador Sharp.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 10, 1915.

1192. Your 1089 November 9th, 4 p. m. Yes.

LANSING.

TAXATION OF THE COMPAGNIE FRANÇAISE DES CÂBLES TÉLÉGRAPHIQUES, A FRENCH COMPANY, IN THE UNITED STATES.

File No. 811.73/15.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, November 23, 1914.

MR. SECRETARY OF STATE: The "Compagnie Française des Câbles Télégraphiques requests me to lay before your excellency its claims and desiderata in regard to the taxes levied by the States of Massachusetts and Connecticut on its land line from Orleans, Mass., to New York.

Some years ago the company was allowed by the Federal Government to land its cables on territory of the United States and in 1879 was granted the "right of way" between its landing point and New York, that is to say, across the two above-named States, on condition that a like privilege would be granted to American companies in France.

That condition was fulfilled; the Western Union Telegraph Co. and the Commercial Cable Co., which own a land line from Havre to Paris, pay no taxes thereon.

Our company therefore believes itself entitled to the same treatment and to the enjoyment of the privileges provided by the Post Road Act of Congress of 1866.

The French company's agent further argues that his line never failed to render, whenever the opportunity offered, every possible service to American interests. Thus as the last instance, it was able to assist the citizens of the United States who were in Europe at the beginning of the hostilities by forwarding, free of charge, hundreds of telegrams routed by that line.

I venture to commend to your excellency's most benevolent attention a request which seems to be well founded in every particular, and I shall be very thankful to you for any step you would kindly take toward having justice done to the French company's petition.

Be pleased to accept [etc.]

JUSSERAND.

File No. 811.73/15.

The Secretary of State to the French Ambassador.

No. 1418.] DEPARTMENT OF STATE,
Washington, December 16, 1914.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 23d ultimo in which, at the request of the Compagnie Française des Câbles Télégraphiques, you present its protest against the taxes imposed by the States of Massachusetts and Connecticut on the land lines of the company from Orleans, Massachusetts, to New York City.

In reply I have the honor to say that, upon acceding to certain conditions considered as proper by the President, the Compagnie Française du Télégraphe de Paris à New York, now the Compagnie Française des Câbles Télégraphiques, was given permission to land its submarine cable at Cape Cod, Massachusetts, in 1879, provided that the French Government granted reciprocal privileges of landing in France upon the same terms to any company formed by citizens of the United States which may apply for such landing privilege.

The required assurances were received from the French Government and the cable of this French telegraph company was permitted to land at Cape Cod. But, from an investigation of its records, the Department is unable to ascertain that there is any treaty, understanding or agreement between the United States and the French Government, or between the United States and the Compagnie Française des Câbles Télégraphiques that would exempt from taxation the pole lines of this company from its cable landing at Orleans, Massachusetts, to its destination at New York City.

Accept [etc.]

W. J. BRYAN.

File No. 811.73/18.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, May 28, 1915.

MR. SECRETARY OF STATE: By letter of December 16 last your excellency was pleased to tell me that while permission to land a

cable at Cape Cod had been granted in 1879 to the Compagnie Française des Câbles on condition that reciprocal landing privileges in France be extended on the same terms to American companies, no agreement had been entered into under which the said company could be exempted from taxes that some local authorities might see fit to assess upon the land line connecting its cable with New York.

To the best of my knowledge the said authorities had never, until quite recently, advanced any such claim, but they are now doing so in a very pressing manner and against the protest of the French company, which informs me today that the Massachusetts authorities insist upon immediate payment.

Informed of these unexpected demands, for which there is no corresponding precedent in France, my Government wishes me to submit the following to your excellency:

The reciprocal agreements of 1879 were accepted in entire good faith and until now likewise carried out by both Governments. In promising each other they would allow the landing of cables they understood that it must of course apply to cables that could be put to practical use. In no case could the cable be landed in the principal city to be benefited, viz, New York in the United States and Paris in France, and it never occurred to any one that the companies in interest could be hampered in the operation of their cables by transit taxes that this or that local authority might see fit to levy. (If the proposition were admissible, the ill will of some official wielding authority at any point crossed by the land line would suffice to preclude the operation of the cables by laying arbitrary taxes.)

The French and, up to date, the American administration had realized the danger and unacceptability of such claims.

Article 6 of the memorandum of conditions required in 1879 for the landing of cables provides that citizens of the United States shall, in the matter of privileges, be placed upon a footing of equality with French citizens. Placing upon that provision the only construction that seemed acceptable, and of course expecting reciprocity, my Government gave the American cable companies free access to the capital and did not permit any taxing of their land lines by the departments, cities or localities over which they run.

In a communication that I have before me, the Ministry of Commerce of the Republic declares that the treatment accorded in France to the American companies is exactly that enjoyed by the French company itself. He uses the following language on this point:

> The French administraton in a general way places at the disposal of the several companies wires connecting their landing stations with their respective offices. When available those wires are let without charge; when laid at the request and for the exclusive use of the companies they pay the cost of laying but in no case is there any tax collected for their use.
>
> Specifically, my Department does not demand any payment or dues for the use of the three wires it has placed at the disposal of the Anglo and Commercial Companies between Havre and Paris; the city of Paris, whose underground conduits are used for those wires, does not collect any tax from those companies on that account.

My Government feels certain that when they concluded the agreement of 1879 the French and American administrations had in mind reciprocal fair treatment and not mutual impediments such as those which the Massachusetts authorities seem to be bent on inviting. It believes it has all the more reason to hope that, thanks to your ex-

cellency's obliging intervention, the present difficulties will be removed as, on the one hand, the relations between the two countries are quite as friendly now as then and, on the other hand, the French company, which does not handle any local telegraphic messages and cannot be classed with the American companies that do that kind of business, never missed an opportunity to give evidence of the feeling it bears toward the country which its cables contribute to connect with ours. It believes it always displayed the greatest zeal in all that relates to the American Government's service; it grants it the free use of its means of communication for the transmission without charge of its cablegrams to its several representatives abroad and it indulges the belief that its usefulness to American citizens during the present crisis has been as far reaching as the circumstances allowed.

I should be very thankful to your excellency if you would kindly give your attention to a matter which calls all the more for an early solution as the authorities are pressing their demand for the payment of taxes on the French company.

Be pleased to accept [etc.]

JUSSERAND.

File No. 811.73/18.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, July 7, 1915.

EXCELLENCY: The Department has received and given very careful consideration to your excellency's note of May 28 wherein, by instructions from your Government, you again invite attention to the matter of the taxation by the authorities of the State of Massachusetts of the Compagnie Française des Câbles and to the request of the company that these taxes be remitted.

The Compagnie Française des Câbles appears to be successor in interest to the Compagnie Française Télégraphie [du Télégraphe] de Paris à New York, to which permission to land its submarine cable on the shores of the United States was granted by the President of the United States in 1879.[3] Your excellency calls attention to the facts that the treatment accorded in France to American cable companies is the same as that enjoyed by French companies; that the French administration, in a general way, places at the disposal of the several companies wires connecting their land stations with their respective offices; that when available, such wires are laid without charge, but that when laid at the request and for the exclusive use of the companies, such companies pay the cost of laying but are in no case assessed for the use thereof. Your excellency further states that the City of Paris, whose underground conduits are used for the wires of those companies, collects no taxes for the use of such conduits. Your Government deems it proper, therefore, to invite attention to these facts and to the provisions of paragraph six of the conditions upon which the Government of the United States permitted the landing of the French cable at Cape Cod, which conditions stipu-

[3] See Sen. Ex. Doc. No. 122, 49th Cong., 2d sess., and Moore's Digest of International Law, Vol. II, p. 457.

lated for a certain equality of treatment of the Governments of the United States and France and of their respective citizens, with reference to the cable in question; and to express the hope that this Government will take steps looking to the remission of the taxes imposed by the authorities of the State of Massachusetts upon the Compagnie Française des Câbles.

It seems appropriate in replying to your excellency's note to invite consideration of two points which seem to have particular bearing on the matter in question; namely, first, the purpose of the conditions upon which the landing of the French cable at Cape Cod was permitted and the significance of the terms used in the memorandum of those conditions; and, second, the nature of the taxes imposed by the State of Massachusetts upon this company.

It is believed that, upon a careful examination of these conditions in the light of the correspondence with reference thereto which passed between the Secretary of State and the French Minister, particularly the note addressed by the Secretary of State, on October 27, 1879, to the Minister and a similar note dated September 22, 1875, which was referred to in the former as explaining fully and explicitly the character of reciprocity which the conditions were designed to effect, it will be apparent to the French Government that the object sought to be accomplished by these conditions were of a two-fold character; namely, first, that of preventing the formation by the company of a monopoly of submarine telegraphic communication between the United States and France; and, second, that of guaranteeing to the Government of the United States and to its citizens the use of the cable on terms of equality with those enjoyed by the French Government and its citizens, a certain preference being required in the transmission of the messages of the two Governments over those of their private citizens. Paragraphs 1 and 2 of these conditions were directed towards the accomplishment of the first of these purposes while the remaining paragraphs were intended to effect the second.

The Secretary of State, in the above-mentioned note of September 22, 1875, said:

> He [the President] will not prohibit or object to the landing of a "cable" connecting the United States with other countries, which allow citizens of the United States, individually or collectively, or associated with those of other nationalities, cooperated or otherwise, freely to land cables on their shores, and to connect the same with lines operating on the land, and which grant entire facility for the transmission by their land lines of messages to and from the cable line, so that messages transmitted or to be transmitted by the cable line shall have the same facilities and be charged no higher rates for transmission and delivery by the land lines, and shall be delivered in the same manner, as messages originating in the country and transmitted only over the land line. Government messages (as well those of the United States as those of the country connected by the cable with the United States) should be entitled to precedence of transmission by the cable, and also by the land lines of the country connected by cable with the United States, and be delivered without delay.

Paragraph six of the conditions in question, to which your excellency refers as having particular bearing on the matter now under consideration, provides:

> That a citizen of the United States shall stand on the same footing, as regards privileges, with the citizens of France.

It seems evident, therefore, that the purpose of this paragraph was to guarantee to American citizens the use of the cable on terms of equality with those enjoyed by the citizens of France. It will be observed in this relation that the matter was considered by this Government entirely from an international standpoint and that questions such as that of the taxation of the property of the cable companies, which, in the United States, would have involved a consideration of the rights of the States through which the lines of the company might pass, were not made subjects of the correspondence. The Department is therefore unable to perceive that the conditions to which the French company consented when it landed its cables on the shores of the United States have any bearing upon the present request of the Compagnie Française des Câbles that it be exempted from the taxes imposed by the State of Massachusetts.

To concede that these conditions are properly to be construed as obligating the Government of the United States to accord to the cable company in this country the same treatment accorded it by France would be to make the regulation of purely domestic matters in the United States dependent on the action of the French authorities. Such was obviously not the purpose of the conditions, which merely indicated this Government's views as to the proper method of conducting such cables when established and indicated its willingness to permit the landing on its shores of any cables to be conducted in accordance with such views.

The Department has received from the tax commissioner of the State of Massachusetts a copy of the act of the Legislature of that State which requires the levying of the taxes to which the Compagnie Française des Câbles objects and has the honor to enclose a copy [4] thereof for the information of your Government. This law which apparently became effective on April 10, 1913, provides:

> that underground conduits, wires and pipes laid in public streets * * * and poles, underground conduits and pipes together with the wires thereon or therein laid in or erected upon private property or in a railroad location by any corporation, * * * shall be assessed to the owners thereof in the cities and towns in which they are laid or erected.

It will be observed that the tax authorized by this law is not a tax based upon the use of the telegraph lines but one to be assessed upon the value of the conduits and other property of all corporations operating telegraph lines within the State of Massachusetts; that it applies uniformly to all corporations, American as well as foreign; and that there is, therefore, no probability of discrimination such as the French Government apprehends might result. On the other hand, should it be found possible by the Government of the State of Massachusetts to make an exception in the application of the law in favor of the Compagnie Française des Câbles there would then seem to be presented for consideration the further question as to whether the making of such an exception would not constitute a discrimination against other companies similarly situated. Should the Compagnie Française des Câbles consider that any tax levied against it by the authorities of the States through which its lines pass is illegal, discriminatory or confiscatory, it has access, of course, to the appropriate courts for a proper adjudication of the question.

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[4] Not printed.

Your excellency is doubtless aware of the fact that matters regarding the taxation of physical property are, generally speaking, within the competency of the respective States wherein the property is situated. The inability of the Federal Government, therefore, to comply with the French Government in this matter by requiring, as a matter of grace and favor, a remission of the taxes of which the Compagnie Française des Câbles complains is to be attributed to no lack of appreciation on its part of the benefits derived by it through the transmission by the company of the official messages of this Government without cost, which however, appears to be a compliance by the company with its agreement to accord to the Government of the United States, in return for the privilege of landing its cable on the shores of this country, like treatment with that accorded to the Government of France.

The situations of the two Governments with regard to this matter seem to differ in that while the land lines used by the several companies in France appear to be owned by the French Government, which permits their use by these companies without compensation, the corresponding lines in the United States are the private property of the respective companies and, as such, are in the same category as other private property with respect to the matter of taxation.

While recognizing no legal right in the Compagnie Française des Câbles to claim exemption from taxation of its property in the United States, the Department has, in recognition of the services rendered by the company to the Government of the United States and as an evidence of its desire to comply so far as possible with the wishes of your excellency's Government in the matter, taken pleasure in laying the views of the French Government before the Governor of the State of Massachusetts and in expressing to him the hope of the Department that the authorities of Massachusetts will give them most friendly consideration and will bear in mind the benefits reaped by the Government of the United States. The Department will be glad to communicate with your excellency with regard to the views of the Governor of Massachusetts in the matter as soon as his reply is received.

Accept [etc.]

ROBERT LANSING.

File No. 811.73/18.

The Secretary of State to the Governor of Massachusetts.

DEPARTMENT OF STATE,
Washington, July 7, 1915.

SIR: I have the honor to invite your attention to the request of the Compagnie Française des Câbles, which appears to own and operate a submarine cable connecting the United States and France and a land line used in conjunction therewith running from Orleans, Massachusetts, to New York City, that it be exempted from certain taxes assessed by the authorities of the State of Massachusetts upon its property situated within that State. This request of the company is transmitted and supported by the Government of France.

In 1879 the Compagnie Française Telegraphie [du Télégraphe] de Paris à New York, which appears to have been succeeded in

interest by the Compagnie Française des Câbles, made application to this Government, through the French Legation, for permission to land its proposed cable on the shores of the United States. In reply the Secretary of State transmitted, through the French Minister, a memorandum of the conditions upon which the landing of the cable would be permitted. This memorandum reads as follows:

MEMORANDUM OF CONDITIONS REQUIRED BY THE GOVERNMENT OF THE UNITED STATES.

1. That the company receive no exclusive concession from the Government of France which would exclude any other line which might be formed in the United States from a like privilege of landing on the shores of France and connecting with the inland telegraphic system of that country.

2. That the company shall not consolidate or amalgamate with any other line, or combine therewith for the purpose of regulating rates.

3. That it shall give precedence in the transmission of official messages to the Governments of the United States and France.

4. That charges to this Government shall be at the rate of those to the Government of France, and the general charges shall be reasonable.

5. That the Government of the United States shall be entitled to the same or similar privileges, as may by law, regulation, or agreement be granted to the French Government.

6. That a citizen of the United States shall stand on the same footing, as regards privileges, with the citizens of France.

7. That messages shall have precedence in the following order: A. Government messages; B. Telegraphic business; C. General business.

8. That the line shall be kept open for daily business, and all messages, in the above order, be transmitted according to the time of receipt.

The conditions set forth in this memorandum were accepted by the French Minister in behalf of the company on November 7, 1879, and the cable was landed and put into operation on November 20, 1879.

It appears that the Legislature of Massachusetts passed a law, approved April 10, 1913, which authorized the assessment of a tax upon the conduits, wires and other property of all corporations operating telegraphic lines within the State of Massachusetts and the French Ambassador, by note dated November 23 last, called the Department's attention to the matter and intimated that the French Government would regard with pleasure the making of an exception in the application of this law in favor of the Compagnie Française des Câbles. The Department replied that it was unable to discover any treaty, understanding or agreement between the United States and France or between the United States and the Compagnie Française des Câbles exempting the company from such taxation. The Department has now received a further note from the French Ambassador dated May 28, 1915, a translation of which is inclosed herewith for your information. The Ambassador states in this note that the French Government accords to American cable companies in France the same treatment enjoyed by French companies; that the French administration, in a general way, places at the disposal of the several companies wires connecting their land stations with their respective offices; that when available such wires are laid without charge but that when laid at the request and for the exclusive use of the companies, such companies pay the cost of laying but are in no case assessed for the use thereof. He also states that the city of Paris, whose underground conduits are used for the wires of such companies, collects no taxes for the use of such

conduits. In view of these facts and of the terms of the above-mentioned conditions upon which the cable of the Compagnie Française des Câbles was permitted to be landed in the United States, the French Government conveys its impression that the reciprocal treatment stipulated for in these conditions should be construed as entitling the Compagnie Française des Câbles to the same treatment in the United States with respect to taxation as is enjoyed by American cable companies in France.

In reply to this note the Department pointed out to the Ambassador that the objects sought to be accomplished by the conditions in question were merely those of preventing the formation by the company of a monopoly of submarine telegraphic communication between the United States and France, and of guaranteeing to the United States and its citizens the use of the cable on terms of equality with those enjoyed by the French Government and its citizens, and informed him that the Department does not perceive that these conditions have any legal bearing on the request of the Compagnie Française des Câbles that it be exempt from the taxes in question.

The Department also forwarded to the Ambassador, for the information of his Government, a copy of "An Act [of the Legislature of Massachusetts] relative to the taxation of the poles and wires of street railway companies" approved April 10, 1913, which is understood to be the law authorizing the taxes complained of, and pointed out that the taxes provided for by this law are to be assessed, not upon the use of telegraph lines, but upon the value of the conduits and other property of corporations operating telegraphic lines within the State of Massachusetts; that the law applies uniformly to all corporations, American as well as foreign; and that there is, therefore, no probability of discrimination against the Compagnie Française des Câbles such as the French Government apprehends might result; but that in case of the assessment to the company of taxes regarded by it as illegal, discriminatory or confiscatory the company would of course have access to the appropriate courts for a proper adjudication of the question.

There appears to be an equitable consideration in this matter, however, which has seemed to me of sufficient import to warrant its being brought to your attention. It seems that under the agreement between the French Government and the Compagnie Française des Câbles the latter transmits over its cables the official telegraphic communications of the French Government free of charge. It results, therefore, that in accordance with paragraph four of the conditions imposed by this Government upon the landing of the cable in the United States, which require that the charges made for transmission of the official messages of the United States shall be the same as those required for transmission of similar messages of the French Government, the company is required to transmit official messages of this Government free of charge. This results in a saving to this Government of several thousand dollars annually. The Compagnie Française des Câbles is the only submarine cable company which accords this favorable treatment to the Government of the United States and, while this is of course strictly in accordance with its agreement, it would seem to entitle the company to as liberal consideration as the Government of the United States or of

the several States concerned can consistently bestow. I have the honor, therefore, to invite your attention to these facts and to the request of the French Government and this I do with every confidence that the authorities of Massachusetts will give the claims of the company as presented by the French Government friendly consideration, and will bear in mind the benefits reaped by this Government as hereinbefore stated.

The French Ambassador has been advised of this communication to you.

I have [etc.]

ROBERT LANSING.

File No. 811.73/19.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, July 12, 1915.

MR. SECRETARY OF STATE: I have the honor to acknowledge receipt of your excellency's note of the 7th instant relative to the taxes recently demanded of the Compagnie Française des Câbles Transatlantiques by certain States of the Union. The note will be made known to the company and French authorities concerned; they will consider the question of principle therein argued.

In the second part of your letter, your excellency was so good as to say that, taking into account the services rendered to the Federal Government by the French company, you had commended to the most favorable consideration of the Governor of Massachusetts the request presented through me so that it may be, if possible, acceded to in practice.

While wishing that this solution at least may come about, I venture to call to mind in this connection that a like claim has been made by the State of Connecticut and that the circumstances would seem to warrant a similar appeal to the Governor of that State.

Be pleased [etc.]

JUSSERAND.

File No. 811.73/19.

The Secretary of State to the French Ambassador.

No. 1513.] DEPARTMENT OF STATE,
Washington, July 26, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of July 12, 1915, in reply to the Department's note of the 7th instant relative to the taxes recently assessed by the State of Massachusetts against the Compagnie Française des Câbles.

Your excellency invites attention to the fact that taxes against this company have also been assessed by the State of Connecticut, and suggests that the circumstances would warrant a communication to the Governor of that State similar to that addressed to the Governor of Massachusetts.

In reply I have the honor to say that, pursuant to your request, a letter in the sense desired has been sent to the Governor of Connecticut.

Accept [etc.]

ROBERT LANSING.

File No. 811.73/19.

The Secretary of State to the Governor of Connecticut.

DEPARTMENT OF STATE,
Washington, July 26, 1915.

SIR: I have the honor to invite your attention to the request of the Compagnie Française des Câbles, which appears to own and operate a submarine cable connecting the United States and France and a land line used in conjunction therewith running from Orleans, Massachusetts, to New York City, that it be exempted from certain taxes which appear to have been assessed by the authorities of the State of Connecticut upon its property situated in that State. This request of the company is transmitted and supported by the Ambassador of France.

[The paragraphs here omitted are identical with those in the letter to the Governor of Massachusetts.]

The Department also pointed out to the Ambassador that the law of the Legislature of Massachusetts complained of applies uniformly to all corporations, American as well as foreign; and that there is, therefore, no probability of discriminaton against the Compagnie Française des Câbles such as the French Government appears to apprehend might result; but that in case of the assessment to the company of taxes regarded by it as illegal, discriminatory or confiscatory the company would, of course, have access to the appropriate courts for the proper adjudication of the question.

There appeared to be an equitable consideration in the matter, however, which seemed to me of sufficient import to warrant its being brought to the attention of the Governor of Massachusetts. It seems that under the agreement between the French Government and the Compagnie Française des Câbles the latter transmits over its cables the official telegraphic communications of the French Government free of charge. It results, therefore, that in accordance with paragraph four of the conditions imposed by this Government upon the landing of the cable in the United States, which require that the charges made for transmission of the official messages of the United States shall be the same as those required for the transmission of similar messages of the French Government, the company is required to transmit official messages of this Government free of charge. This results in a saving to this Government of several thousand dollars annually. The Compagnie Française des Câbles is the only submarine cable company which accords this favorable treatment to the Government of the United States and, while this is of course strictly in accordance with its agreement, it would seem to entitle the company to as liberal consideration as the Government of the United States or of the several States concerned can consistently bestow. The Department therefore invited the attention of the Governor of Massachusetts to these facts and to the request of the French Government and expressed its confidence that the au-

thorities of Massachusetts will give the claims of the company as presented by the French Government friendly consideration, and will bear in mind the benefits reaped by this Government as hereinbefore stated.

In a note dated July 12, the French Ambassador states that the State of Connecticut has also assessed taxes against the property of the Compagnie Française des Câbles in that State. I have the honor, therefore, to bring the matter to your attention in the same spirit in which it was brought to the attention of the Governor of Massachusetts.

I have [etc.]

ROBERT LANSING.

File No. 811.73/21.

The Executive Secretary of Connecticut to the Secretary of State.

HARTFORD, *August 3, 1915.*

SIR: Governor Holcomb has directed me to acknowledge receipt of and to reply to your letter of the 26 ult., concerning taxation of the Compagnie Française des Câbles, with its enclosure of a copy of the memorandum of the French Ambassador.

For many years the statutes of this State have imposed a tax upon all telegraph companies doing business within the State. Previous to 1913 the basis of taxation was the number of miles of wire in use. In 1913 the law was amended so that the gross earnings of each company furnished the basis for the tax. Where the business of a company was not located wholly within the State, a proportion of the gross earnings which bears to the total the same ratio that the number of miles of wire operated in this State bears to the total number of miles of wire in use by the company gives the valuation upon which the tax is imposed. The rate of this tax is three per cent. Every such company is required once a year to make a return to the tax commissioner of the State giving its name and location, total gross earnings, whole number of miles of wire in use by it, and number of miles of wire used by it in the State. In the event that any such company fails to make this return, the State board of equalization, from such data as it can find, makes an estimate of the gross earnings upon which the tax should be paid. Every company is given the right to appear before the board of equalization and to be heard upon the amount of the valuation for taxation.

Until about two years ago the Compagnie Française des Câbles made no return to the tax commissioner, nor did the State board of equalization attempt to establish any valuation for taxation purposes in this State, the fact that this company was operating wires here never having been brought to the attention of the tax commissioner. The compagnie was then requested to make a return under the law, but refused to do so. The board of equalization, therefore, adopted as a valuation for taxation purposes the sum of thirty thousand dollars. This obligated the compagnie to pay to the State the sum of nine hundred dollars each year. The compagnie has never paid anything, nor have any steps yet been taken to compel it to do so.

The tax commissioner, whose duty it is to see to the collection of this tax, is at present away on his vacation. Governor Holcomb has

directed that the matter be brought to his attention as soon as he returns, and that all available information be at once transmitted to you, with such suggestions or recommendations as he can make, with reference to the proper course for the State to adopt. As the law stands, the compagnie is liable for this tax, and it is the duty of the tax commissioner to collect. The only proper and legal method of obviating the payment is by act of the Legislature, exempting it from taxation. The Legislature of 1915 adjourned in May, and there will not be another session until January, 1917. The Governor will take up with the tax commissioner the matter of taking no steps to force payment of this tax until the Legislature has had an opportunity to determine whether or not it will exempt the compagnie. After this conference Governor Holcomb will at once inform you what the policy of this State will be in the interim before the meeting of the next General Assembly.

W. M. MALTBIE.

File No. 811.73/20.

The Secretary of State to the French Ambassador.

No. 1520.] DEPARTMENT OF STATE,
Washington August 11, 1915.

EXCELLENCY: Referring to previous correspondence and particularly to your excellency's note of May 28, 1915, and to this Department's reply under date of July 7 last, in regard to the request of the Compagnie Française des Câbles that it be exempted from certain taxes imposed by the State of Massachusetts, the Department advises you of the receipt of a letter,[4] dated the 19th ultimo, from the Secretary to the Governor of Massachusetts with which he encloses a communication received by him from the Massachusetts Tax Commisisoner from which it appears that the Compagnie Française des Câbles is a foreign corporation having a place of business within the Commonwealth of Massachusetts, namely at Orleans and Lakeville; that under the provisions of the tax laws of Massachusetts foreign corporations are taxed on their tangible property situated within the Commonwealth (Chapter 516, Acts of 1909, section 2); that by the provisions of Chapter 458 of the Acts of the year 1913, poles, underground conduits and pipes, together with the wires therein or thereon are made subject to taxation as personal property by the local assessors; and that under the authority of these statutes the assessors of the town of Lakeville assessed the property of the Compagnie Française des Câbles situated within the town and are now moving for the collection of the tax. In consequence of this tax, the company raises the question as to whether it is, under the memorandum of agreement between the Governments of the United States and France, entitled to exemption from taxation in the State of Massachusetts. The tax commissioner states that it appears that local taxation is the only taxation in question and that the State of Massachusetts has always treated the business of the company as interstate business and not subject to the interference or control of the laws of that State; that no transit tax and no tax for the privilege of doing business has ever been levied upon the corporation in

[4] Not printed.

the State and that the tax imposed is one solely upon property situated within the State.

In the opinion of the tax commissioner there is technically nothing in the conditions of the agreement of 1879 between the Governments of the United States and the French Republic which controls the right of taxation by the State of Massachusetts, but that the spirit of the conditions and the act of reciprocity on the part of the Government of the French Republic in exempting from taxation the property of American cable companies doing business in France would seem to entitle the request of the Compagnie Française des Câbles to consideration.

In forwarding this opinion to the Department the Secretary to the Governor of Massachusetts suggests that the representative of the Compagnie Française des Câbles communicate and confer with the Massachusetts Tax Commission about the middle of December next in order that an amendment to the existing laws of Massachusetts may be formulated which would grant the exemption desired by the company.

Accept [etc.]

ROBERT LANSING.

File No. 811.73/21.

The Secretary of State to the Executive Secretary of Connecticut.

DEPARTMENT OF STATE,
Washington August 13, 1915.

SIR: The Department has received your letter of August 3, answering, by direction of Governor Holcomb, the Department's letter of July 26, transmitting a copy of a memorandum of the French Ambassador in regard to the taxation of the Compagnie Française des Câbles by the State of Connecticut.

The Department has taken due note of your statement that the tax commissioner who has the matter in charge is absent on his vacation, and that when he returns, the Governor will take up with him the question whether he shall refrain from enforcing payment of the tax until the Legislature shall have had an opportunity to determine whether or not it will exempt the company from payment.

Further advices from the Governor are awaited with interest.

Thanking you for your attention to the matter,

I am [etc.]

For the Secretary of State:
A. A. ADEE.

PROTECTION BY THE UNITED STATES OF FRENCH INTERESTS IN MEXICO.

(*See* Mexico.)

FRENCH PROTECTORATE IN MOROCCO

(*See* Morocco.)

FRENCH INTERESTS IN HAITI.

(See Haiti: Financial Affairs, under date of February 20, 1915, p. 514.)

GERMANY.

ARREST OF W. MÜLLER, GERMAN CONSUL AT SEATTLE, WASHINGTON, AND SEARCH OF THE CONSULATE BY POLICE OFFICERS.

File No. 702.6211/206.

The Secretary of State to Attorney General Gregory.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 17, 1915.

Department is informed by German Embassy of the receipt of a telegram from the German Consul at Seattle dated March 17 as follows:

Yesterday afternoon six o'clock police entered Consulate in order to search offices. I hear that two people are imprisoned because they offered me information concerning sale of submarines.

Department would be pleased to have an investigation made in this case and a report of the results which may be used as a basis of a note to the German Embassy on the subject.

W. J. BRYAN.

File No. 702.6211/207.

The German Embassy to the Department of State.

The German Embassy presents its compliments to the United States Department of State and has the honor to inform the Department that according to telegrams received from the Imperial Consulate in Seattle, Wash., a charge of conspiracy has been made against the acting Imperial Consul, Mr. W. Müller, and the Secretary of the Consulate, Mr. Schulz. They have been released on bail of $1,000 each. The police also made a search at the Imperial Consulate without showing any order or warrant.

The acts of the authorities of the State of Washington appear to be in contradiction with articles 3 and 5 of the consular convention between the German Empire and the United States of America of December 11, 1871.

GERMAN EMBASSY,
Washington, D. C. March 18, 1915.

File No. 702.6211/215.

The German Ambassador to Counselor Lansing.

GERMAN EMBASSY,
Washington, March 28, 1915.

MY DEAR MR. LANSING, With reference to my letter of the 23d instant[1] about the case of our Consul in Seattle, I beg to advise you

[1] Not printed.

that the local authorities of the State of Washington are still holding Mr. W. Müller and Mr. Schulz under bail of $1,000 each. This is the case, though the Federal public prosecutor himself told Mr. Müller that the local authorities had no jurisdiction at all in the matter.

Allow me further to bring your kind attention to Sec. 256 of the Judicial Code of the United States, in force January 1, 1912, which reads as follows:

> The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several states: * * * Eight: Of all suits and proceedings against consuls.

I beg to suggest that the unpleasant matter may be settled as soon as possible and I am confident you will do all in your power in this direction.

Believe me [etc.]

J. Bernstorff.

File No. 702.6211/215.

The Secretary of State to the Governor of Washington.

[Telegram.]

Department of State,
Washington, April 5, 1915.

The German Ambassador has brought to the Department's attention information received by him regarding the arrest of the German Consul at Seattle and the Secretary of the Consulate on a charge of conspiracy, as defined by a statute of your State. The Ambassador represents that the action of the authorities appears in contravention of articles 3 and 5 of the consular convention concluded December 11, 1871, between the United States and the German Empire, and calls attention to section 256 of the judiciary act approved March 3, 1911, which vests jurisdiction in the courts of the United States, exclusive of the courts of the several States, in all suits and proceedings against consuls and vice consuls.

It appears to the Department from the information in its possession somewhat doubtful that the action of the local authorities has been at variance with the treaty provisions to which the Ambassador refers. Article 3 of the treaty confers on consular officers personal immunity from arrest " except in the case of crimes ". Article 5 stipulates that consular archives shall be inviolable and that offices and dwellings of consuls shall also be inviolable and shall not be invaded by the local authorities except in the case of pursuit for crimes. It seems possible, however, that in instituting the proceedings in question the local authorities in Seattle may not have given consideration to the provisions of the judiciary act to which the Ambassador refers.

In this relation I may invite your attention to a communication received by the Department from the Attorney General of the United States under date of February 24, 1914, in relation to a case wherein a prosecution for a statutory crime was instituted against a foreign consul in California. The case was dismissed by the court on a question of jurisdiction. In this communication the Attorney General said:

> From a careful investigation of the authorities it would seem that there is no way to reach the Consul by criminal proceedings. It is settled that the

State courts have no jurisdiction, and apparently the United States courts would have none, since the offense referred to is not made a crime by any law of the United States. It is true that in the case of *In re Iasigi*, 79 Fed., 751, 753, there is a dictum of Judge Brown to the effect that the Federal courts would have exclusive jurisdiction of offenses by consuls, whether at common law or under State or United States statutes. There does not appear to be, however, any authority upholding this view, and a manuscript opinion of the Attorney General to the contrary in the Kosloff case is referred to in Moore's Digest, Vol. 5, p. 66. On the whole I am of the opinion that there is no jurisdiction in the Federal courts to proceed against a consul except where he has offended against some specific criminal law of the United States.

I would be glad if you would promptly bring my telegram to the attention of the appropriate authorities in Seattle. You will appreciate that, irrespective of what the facts may be in relation to the alleged commission of the crime with which the Consul is charged, it is desirable that the local authorities should avoid action which might give just grounds for complaint that proceedings were taken against the Consul which were not warranted under the law of this country.

I would also appreciate receiving from you at your early convenience full information regarding the nature of the charges against the Consul, the evidence on which these charges are based and the character of the proceedings instituted against the Consul.

W. J. BRYAN.

File No. 702.6211/215.

Counselor Lansing to the German Ambassador.

DEPARTMENT OF STATE,
Washington, April 5, 1915.

Sir: I beg to acknowledge your personal note of March 28, 1915, wherein, with reference to the arrest of the Imperial German Consul at Seattle, you call my attention to section 256 of the judiciary act approved March 3, 1911, which vests jurisdiction in the courts of the United States exclusive of the courts of the several States in all suits and proceedings against consuls and vice consuls.

The Department has, by telegraph, brought the substance of your communications to the Department in relation to this matter to the attention of the Governor of Washington to the end that, irrespective of what the facts may be in relation to the alleged commission of the offense with which the Consul is charged, no proceedings may be taken against him which are not warranted under the law of this country.

In this relation I may refer to the fact that in the memorandum addressed by you to the Department under date of March 18, 1915, you stated that the acts of the local authorities appeared to be in contravention of articles three and five of the consular convention concluded December 11, 1871, between the United States and the German Empire. From the information in possession of the Department, it seems to me doubtful that the authorities have acted at variance with the provisions of the treaty. In referring to article three of the treaty, I presume you have in mind the provision thereof in relation to the immunity of consular officers from arrest and imprisonment. I beg to call your attention to the fact that such immunity is not granted to these officials, in the language of the treaty, "in the case of crimes." Article 5 of the treaty stipulates

that consular archives shall be inviolable as shall also offices and dwellings of consuls which shall not be invaded by the local authorities except in the case of pursuit for crimes. So far as the Department is informed, it does not appear that any action has been taken by the authorities in violation of these stipulations.

The Department has requested from the Governor full information regarding the nature of the charges against the Consul, the evidence on which these charges are based, and the character of the proceedings instituted against the Consul.

Believe me [etc.]

ROBERT LANSING.

File No. 702.6211/218.

Governor Lister to the Secretary of State.

OLYMPIA, WASHINGTON, *April 12, 1915.*

SIR: Replying to your telegram of April 5, in relation to the arrest by local authorities, of the German Consul and his secretary at Seattle, Washington, I beg to say that on April 6, I wrote the Prosecuting Attorney of King County, in which county the city of Seattle is located, and enclosed to him a copy of your telegram requesting that he make reply to same. Under date of April 8, I received a letter from the Prosecuting Attorney of King County, a copy of which I herewith enclose, feeling that this letter is probably a clearer explanation of the situation than I would make if I endeavored to cover it in my letter.

I am sure that no further action will be taken by the Prosecuting Attorney until we have again had opportunity to hear from you. I shall be pleased indeed to hear from you further regarding the situation and you can be assured will do what I can to assist in avoiding any embarrassment of an international character.

ERNEST LISTER.

[Inclosure.]

Prosecuting Attorney Lundin to Governor Lister.

SEATTLE, WASH., *Apr. 8, 1915.*

MY DEAR SIR: Your letter of April 6, enclosing copy of a telegram dated April 5, from W. J. Bryan, Secretary of State, received.

The German Consul Müller, his Secretary Schulz, and one Tarnasky, are charged by information in the superior court of this county with the crime of conspiracy, the charge being that they conspired together to corrupt John Murdock, the agent of the Seattle Dry Dock & Construction Co. This is a gross misdemeanor under our law. Tarnasky made a complete confession of the conspiracy. The agent Murdock was to receive $1,000 or $1,500 which the German Consul told him had been telegraphed for. The agent had taken from the Construction Company's files and had concealed in his home copies of way bills. Some five conferences were had between the agent and the Consul's representative, the last of which was with the German Consul himself.

The agent of the Construction Company was a clear cut, reliable young man of twenty-one years, and his reputation and standing have been ruined by virtue of this conspiracy to bribe him.

My investigation shows that this is not the only instance in which the German Consul has attempted bribery of this nature.

This office has given much consideration to the provisions of the judiciary act referred to, and we admit that jurisdiction of the State's courts in this matter

is not clear. However, the matter has not been settled, and it was our intention to submit the question of jurisdiction to the court.

It is not my desire to cause any embarrassment to the Government of the United States, nor would I, as Prosecuting Attorney of this county, assume to interfere with diplomatic relations between the United States and another country. If, therefore, the State Department feels, after being fully acquainted with all the facts, that the prosecution of the German Consul and his secretary will embarrass the United States in the diplomatic relations with Germany and accordingly requests me to discontinue the prosecution of this case, I will consider it my duty to be governed by such request. If this is done, however, and the Consul is allowed to continue in his official capacity in Seattle, it would seem to me that this State ought to have some positive assurance that his future conduct would be in accordance with the laws of the State.

This information was filed March 17; The Consul put up a bond for his appearance, and nothing further has been done in the case. Our laws provide the trial must be had in sixty days after the filing of the information, and it is necessary that the preliminary steps be taken at once. Therefore, whatever action is taken in this matter, must be in the very near future.

ALFRED H. LUNDIN.

File No. 702.6211/219.

The German Ambassador to the Secretary of State.

[Translation.]

No. 2724.] GERMAN EMBASSY,
Washington, April 16, 1915.

MR. SECRETARY OF STATE: Your excellency was so good as to inform me by your kind note of the 10th instant[1] that the authorities of the State of Washington had been instructed, irrespective of the question whether or not the charges brought against Consul Müller and Secretary Schulz are well founded, to take no measure that is not in harmony with the laws of the United States.

I have the honor most respectfully to observe to your excellency that the authorities of the State of Washington in compliance with the instructions given them by your excellency should, in my opinion, first put an end to a situation which breaks that harmony which your excellency acknowledges to be necessary between the State and the Federal law.

It is now a month since Consul Müller and Secretary Schulz have been held to bail in the sum of $1,000 each unlawfully imposed upon them. This situation, which I have tried to remedy in two oral interviews and five previous notes and communications, will not however be brought to an end by the State authorities of Washington until they are positively directed to do so; for they might have interpreted the instruction to take no action that conflicts with the Federal law in the narrow sense, surely not intended by your excellency, or as merely forbidding them to take any positive action in the future in violation of the Federal law. I, on the other hand, simply asked for the recall of a measure taken in the past the effects of which are still felt in the present.

I have the honor most urgently to beg your excellency once more to cause the situation, the unlawfulness of which is not open to doubt, to be brought to an early end.

Accept [etc.]

J. BERNSTORFF.

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[1] Not printed.

File No. 702.6211/218.

The Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, April 21, 1915.

EXCELLENCY: Referring to previous correspondence regarding the charge preferred by the local prosecuting authorities at Seattle, Washington, against the German Consul at that place, I have the honor to enclose herewith a copy of a communication which was addressed to the Governor of Washington by the Prosecuting Attorney of King County, Washington, Mr. Alfred H. Lundin, in regard to this matter.

You will observe that the Prosecuting Attorney deems it advisable that the questions of law and fact involved in the case should be submitted to the appropriate judicial tribunal. I should be glad if you would advise the Department as promptly as possible whether, in view of what is stated in the attorney's communication, you still desire that the proceedings against the Consul be discontinued. You will observe the statement in Mr. Lundin's letter to the effect that it is necessary that action in the matter be taken in the near future.

Accept [etc.]

W. J. BRYAN.

File No. 702.6211/221.

The German Ambassador to the Secretary of State.

[Translation.]

GERMAN EMBASSY,
Washington, April 21, 1915.

MR. SECRETARY OF STATE: In reply to your kind note of the 21st instant, I have the honor most respectfully to say to your excellency that I should be very glad if the case of the Imperial Consul Müller could be discontinued.

Should your excellency deem it possible to discontinue the case I would be quite ready for my part to take into consideration a transfer of Consul Müller in the way of an exchange of posts with one of the other consuls in the United States.

Accept [etc.]

J. BERNSTORFF.

File No. 702.6211/218.

The Secretary of State to Governor Lister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 26, 1915.

I have received your letter of April 12, enclosing copy of letter addressed to you by Mr. Lundin, Prosecuting Attorney for King's County, Washington. Mr. Lundin's letter has been appropriately communicated to the German Ambassador. I appreciate your prompt action in this matter and also Mr. Lundin's purpose to act in harmony with the Department.

While there may be no recorded judicial interpretation of the provision of the judiciary act referred to in the Department's letter of April 5, it seems reasonably certain that the State courts have no jurisdiction in the case pending against the German Consul. For this reason and for other reasons which I need not state in view of Mr. Lundin's position as set forth in his letter to you, the Department deems it desirable that the case be dismissed. I believe I am in position to assure you that prompt and effective steps will be taken entirely to remove the possibility of further difficulties between the authorities of the State of Washington and the Consul.

W. J. BRYAN.

File No. 702.6211/221.

The Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, April 29, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 21st instant in which you state that if the case against Consul Müller at Seattle could be discontinued you would be quite ready to take into consideration his transfer to some other post in the United States.

In reply I have the honor to say that the Department has by telegraph communicated with the Governor of the State of Washington with a view to bringing about the dismissal of the proceedings against Consul Müller, such action having been based on the understanding that steps will be promptly taken by your Government to transfer Mr. Müller to a post in some other State.

Accept [etc.]

W. J. BRYAN.

File No 702.6211/225.

The German Ambassador to the Secretary of State.

[Translations.]

GERMAN EMBASSY,
Washington, May 5, 1915.

MR. SECRETARY OF STATE: In reply to your kind note of the 29th ultimo relating to the case of Imperial Consul Müller at Seattle, I have the honor again to draw your excellency's attention to my note of the 21st ultimo in which I said: "Should your excellency deem it possible to discontinue the case, I would be quite ready for my part to take into consideration a transfer of Consul Müller."

In connection therewith I should be thankful to your excellency, before I take further steps in the matter, if you would kindly let me know whether proceedings against Herr Müller have been discontinued.

If the legal term of sixty days expires without the case being brought before the court or discontinued, I shall be justified in assuming that the State Attorney of Washington has become convinced that his information lacks consistency and that there is no objection to continuing Herr Müller in office at Seattle.

Accept [etc.]

J. BERNSTORFF.

File No. 702.6211/227.

GERMAN EMBASSY,
Washington, May 12, 1915.

MR. SECRETARY OF STATE: I have the honor to inform your excellency that I propose provisionally to place Imperial Consul General Zoepffel, at Atlanta, Georgia, in charge of the Imperial Consulate at Seattle, Washington, and to send Consul Mueller, Acting Consul at Seattle, to Atlanta, there to take charge of the Imperial Consulate.

I have to ask that you most kindly take the necessary steps to let Consul General Zoepffel and Consul Müller discharge their duties as acting Consuls at Seattle and Atlanta respectively.

Looking forward to an obliging communication from your excellency so that I may take the necessary action.

I avail [etc.]

J. BERNSTORFF.

File No. 702.6211/228.

Governor Lister to the Secretary of State.

[Telegram.]

OLYMPIA, WASHINGTON, *May 13, 1915.*

Charges against German Consul and his Secretary filed in superior court, King County, in which county Seattle is located, have been dismissed by the prosecuting attorney of that county. This clears up the entire situation in relation to Seattle matter.

ERNEST LISTER.

File No. 702.6211/288.

The Secretary of State to Governor Lister.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 14, 1915.

I thank you for your telegram of May 13. I may inform you that German Ambassador has taken steps to transfer the German Consul at Seattle to another post.

W. J. BRYAN.

File No. 702.6211/227.

The Secretary of State to German Ambassador.

No. 1427.] DEPARTMENT OF STATE,
Washington May 17, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of May 12 and to inform your excellency in reply that provisional recognition has been accorded Erich Zoepffel and Wilhelm Müller as Acting Consuls at Seattle, Washington, and Atlanta, Georgia, respectively.

Accept [etc.]

W. J. BRYAN.

File No. 702.6211/228.

No. 1428.] DEPARTMENT OF STATE,
Washington, May 18, 1915.

EXCELLENCY: Referring to your note of May 5, 1915, and to previous correspondence concerning the proceedings instituted against Consul Müller at Seattle, Washington, I have now the honor to inform you of the receipt of a telegram from the Governor of that State, stating that the charges against Consul Müller and his Secretary brought in the superior court of King County, in which county Seattle is located, have been dismissed by the Prosecuting Attorney of that county. The Governor adds that this clears up the entire situation in relation to the Seattle matter.

Accept [etc.]

W. J. BRYAN.

File No. 702.6211/231.

The German Ambassador to the Secretary of State.

GERMAN EMBASSY,
Washington, May 21, 1915.

MR. SECRETARY OF STATE: I have the honor to acknowledge receipt of your kind note, No. 1428, of the 18th instant. I am gratified to learn therefrom that the authorities of the State of Washington have now acknowledged as unfounded the charge against Imperial Consul Müller and Secretary Schulz and have dismissed the case.

Accept [etc.]

J. BERNSTORFF.

File No. 702.6211/231.

The Secretary of State to the German Ambassador.

No. 1462.] DEPARTMENT OF STATE,
Washington, June 17, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of May 21, 1915, in which, in acknowledgment of the Department's note of the 18th of that month, relative to the proceedings had in Seattle, Washington, against Mr. Müller, the Imperial German Consul there, and Mr. Schulz, you express gratification at the finding of the Washington authorities in the case of Consul Müller and Consular Clerk Schulz.

It is proper to observe that the authorities at Seattle did not ascertain that the charges against the Consul were unfounded, but that the case against him was dismissed at the suggestion of this Department made in accordance with your excellency's request, and on the informal understanding that the Consul would be transferred to another post.

Accept [etc.]

ROBERT LANSING.

GREAT BRITAIN.

AGREEMENT BETWEEN THE UNITED STATES AND GREAT BRITAIN EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE 2 OF THE TREATY OF SEPTEMBER 15, 1914. EFFECTED BY EXCHANGE OF NOTES SIGNED NOVEMBER 3, 1915

Treaty Series No. 602–A.]

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, November 3, 1915.

EXCELLENCY: It not having been found feasible to complete the international commission provided for in the treaty of September 15, 1914, between the United States and Great Britain, looking to the advancement of the general cause of peace, within the time specified in the treaty, which expired on May 10, 1915, I have the honor to suggest for the consideration of your Government that the time within which the organization of the commission may be completed be extended by an exchange of notes from May 10, 1915, to January 1, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

I have the honor to be, with the highest consideration, Your Excellency's most obedient servant,

ROBERT LANSING.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, November 3, 1915.

SIR: I have the honour to acknowledge the receipt of your note of this day's date in which you state as follows:

"It not having been found feasible to complete the international commission provided for in the treaty of September 15, 1914, between the United States and Great Britain, looking to the advancement of the general cause of peace, within the time specified in the treaty, which expired on May 10, 1915, I have the honour to suggest for the consideration of your Government that the time within which the organization of the commission may be completed be extended by an exchange of notes from May 10, 1915, to January 1, 1916.

"Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the exten-

sion, and I shall be glad to receive your assurance that it will be so regarded by your Government also."

I have the honour to inform you in reply that His Majesty's Government accepts this suggestion made by the United States Government and that they regard the exchange of to-day's notes as sufficient to give effect to the extension.

I have the honour to be, with the highest consideration, Sir,

Your most obedient, humble Servant,

CECIL SPRING RICE.

ABROGATION BY THE UNITED STATES OF THE TREATY OF JUNE 3, 1892, BETWEEN THE UNITED STATES AND GREAT BRITAIN, CONFLICTING WITH THE SEAMEN'S ACT OF MARCH 4, 1915. ACCEPTANCE THEREOF BY GREAT BRITAIN.

(*See* Circulars: Abrogation of provisions of certain treaties, etc.; Mr. Page's despatch of July 29, 1915.)

ABROGATION BY THE UNITED STATES OF ARTICLE 10 OF THE TREATY OF OCTOBER 2, 1886, BETWEEN THE UNITED STATES AND TONGA, CONFLICTING WITH THE SEAMEN'S ACT OF MARCH 4, 1915.

(*See* Circulars: Abrogation of provisions of certain treaties, etc.; instruction to Mr. Page, May 29, 1915.)

KILLING OF WALTER SMITH AND WOUNDING OF CHARLES DORSCH, AMERICAN CITIZENS, BY SOLDIERS OF THE CANADIAN MILITIA.

File No. 342.112Sm6.

Vice Consul Curtis to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Bridgeburg, December 28, 1914.

Walter Smith, Buffalo, N. Y., shot and killed; Charles Dorsch, Buffalo, N. Y., shot through lung by private in Canadian militia in Fort Erie this morning. These men were duck shooting and did not land when ordered.

J. B. CURTIS.

File No. 342.112Sm6/—.

The Secretary of State to Vice Consul Curtis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 28, 1914.

Answering yours. Take charge of body of Smith and notify relatives. Give every possible care to Dorsch, the wounded man. Get statement from Dorsch and any other persons knowing the facts; also statement from private who did the shooting and report fully.

BRYAN.

File No. 342.112Sm6/a.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, December 28, 1914.

MY DEAR MR. AMBASSADOR: We have just received the following depatch from our Vice Consul at Bridgeburg, Ontario:

Walter Smith, Buffalo N. Y., shot and killed; Charles Dorsch, Buffalo, N. Y., shot through lung by private in Canadian militia in Fort Erie this morning. These men were duck shooting and did not land when ordered.

This confirms the report given in the newspapers. Will you please bring the matter at once to the attention of your Government and secure a report on the same?

Accept [etc.]

W. J. BRYAN.

File No. 342.112Sm6/1.

The British Ambassador to the Secretary of State.

BRITISH EMBASSY,
Washington, December 29, 1914.

DEAR MR. SECRETARY: I had already requested the Canadian Government to send me as soon as possible a report of the inquiry which is being conducted into this most regrettable incident at Bridgeburg, Ontario.

Yours sincerely,

CECIL SPRING RICE.

File No. 342.112Sm6/2.

Vice Consul Curtis to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Fort Erie, December 29, 1914.

SIR: I have the honor to make the following report in reply to your telegram, dated Washington, December 28, 1914.

On Monday morning December 28, about 10 o'clock, Walter Smith of Arthur Street, Buffalo, and Charles Dorsch of Calumet Street, Buffalo, were shot while duck hunting by soldiers of the Canadian Militia. Smith was killed instantly while Dorsch was shot through the upper portion of his right lung.

These men had been shooting ducks in violation of the Canadian laws and at the time of happening they had decoys set in the river and had been shooting over these. They were situated on a ridge of ice that had formed about 200 yards from the shore line directly south of the foot of Garrison Road in this village.

From witnesses that I have examined it appears that these men were ordered to come ashore by Police Officer Delaney who intended arresting them for violation of the game laws. To make his command more emphatic he had summond three of the soldiers from their quarters in the Town Hall with the intention of having them fire over the

heads of the duck hunters and in this way frighten the men into surrendering. Several shots were fired with instructions not to hit the men. Instead of obeying the command to pull their boat up on the ice, they both started to row toward the American shore and had rowed 5 or 6 strokes when they both were hit by bullets fired from the guns of the soldiers.

Lying in the bottom of the boat they drifted down stream until almost in front of the Consulate where their boat was towed ashore by another fisherman. Seated in the Consulate, I noticed several running along the shore and went out to see what the trouble was. When the boat was landed I could see Smith had been killed instantly, a bullet entering directly between the eyes and passing out the back of the head. He had been seated in the bow seat of the boat and had fallen over backwards, his hands stretched out as if he had been grasping the oars. Dorsch was seated in the stern seat and had fallen forward on his side. He was groaning and bleeding from the mouth and nose. Dr. Douglas was on the scene immediately and we had him rushed over to the General Hospital. He was too badly hurt to make a statement. I questioned the three soldiers who had been implicated, immediately, as they were all present at the time the boat was landed. They all stated that they had no intention of hitting the men. They are all pretty badly frightened and it is my own opinion that there was no intent on their part to more than badly frighten the duck hunters by shooting as close as they possibly dared. Poor marksmanship on their part must be their accounting for the tragedy.

The boat at the time of landing contained 2 guns, one a pump gun and the other a double-barreled shot-gun. Several ducks and decoys as well as empty shells were in the bottom of the boat.

Coroner Dr. J. R. Mencke took charge of the body of Smith and after a preliminary inquest yesterday afternoon the body was turned over to his relatives and removed to Buffalo last evening. An inquest will be held by Coroner Mencke on Wednesday afternoon, December 30, in the Fort Erie Town Hall, at which I shall be present.

When I could get into communication with the General Hospital this afternoon I learned that Mr. Dorsch was resting comfortably and would recover. I shall endeavor to get a statement from him tomorrow and forward the same to the Department.

The three men who did the shooting are Corporal Kayo, of Midland, Private MacIntosh of Kingston, and Private Kinsman of Galt, Ontario. These men have been placed under arrest and are being held prisoners in the Fort Erie Town Hall until an investigation is made.

I have [etc.]

J. B. CURTIS.

File No. 342.112Sm6/4.

Vice Consul Curtis to the Secretary of State.

AMERICAN CONSULATE,
Fort Erie, December 31, 1914.

SIR: I have the honor to report the finding of the coroner's jury in their inquest on the death of Walter Smith, of Buffalo, N. Y. as follows:

We find that the deceased, Walter Smith, met his death on Monday forenoon, December 28, 1914, while evading arrest for unlawfully shooting duck out of

season in Canadian [territory] by a bullet delivered accidentally from the rifles of the 3 militiamen who were called upon by Provisional Officer Thomas Delaney to assist him.

JOHN LAYLE, *Foreman.*

I personally attended this inquest, which was held in the Fort Erie Town Hall, Wednesday afternoon, December 30, 1914, and am enclosing full minutes of the proceedings.[1]

Immediately after the coroner's inquest there was conducted a military inquiry by Lieutenant Colonel Rose, in charge of the 44th Welland and Lincoln regiment, Colonel Ptolomy in command of the military district in which Fort Erie is, and Captain N. G. Fite in charge of the detachment stationed at Fort Erie. Their report was not divulged but forwarded immediately to Ottawa.

I have twice called upon Charles Dorsch in the General Hospital and find his condition greatly improved. I have assurance from his doctor that his recovery is certain unless unexpected complications set in. I endeavored to get a statement from him yesterday but he asked to be excused until today, in making one, as he did not feel strong enough at that time to tell his version. Today he refused absolutely to give me any statement saying that his attorney had forbidden him to say anything about the affair.

I have [etc.]

J. B. CURTIS.

File No. 342.112Sm6/6.

The British Ambassador to the Secretary of State.

No. 6.] BRITISH EMBASSY,
Washington, January 4, 1915.

SIR: With reference to my letters of December 29 and December 30[1] relative to the death of Walter Smith at Fort Erie, I have the honour to inform you that the Canadian Government has ordered a military inquiry to be held into this case, which is now in progress. At the same time the Provincial Government of Ontario has been requested to furnish a full report on the affair viewed in its civil aspect.

The Governor General of Canada, His Royal Highness the Duke of Connaught, begs me to convey on the part of the Dominion Government an expression of their profound regret at this unfortunate occurrence and to inform you that as soon as the inquiry is completed a full report will be communicated.

I have [etc.]

CECIL SPRING RICE.

File No. 342.112Sm6/7.

No. 10.] BRITISH EMBASSY,
Washington, January 6, 1915.

SIR: With reference to my note of the 4th instant relative to the untoward incident at Fort Erie, I have the honour to inform you that I have today received a telegram from His Royal Highness the Governor General of Canada, which is to the following effect.

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[1] Not printed.

From information received from the Attorney General for the Province of Ontario as to the nature of the evidence given at the coroner's inquest it appears that the object of the shooting was deterrent, as the deceased and his companions were engaged in shooting out of season and unlawfully; and that the injury which resulted in the regretted death of the deceased was entirely unintentional. The Canadian Government is, however, of opinion that the person who fired the fatal shot ought to be placed on his trial and steps will accordingly be taken for that purpose. In the view of the Canadian Government the circumstances which so unfortunately resulted in the death of the deceased are such that as an act of grace suitable compensation should be made to the family of the deceased and to the person injured by the shooting.

I hasten to communicate the above for the information of your Government and at the same time to renew in the name of the British and Canadian Governments the expression of their sincere regret at this untoward occurrence.

I have [etc.]

CECIL SPRING RICE.

File No. 342.112Sm6/19a.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, January 8, 1915.

EXCELLENCY: I again draw your excellency's attention to the occurrence which took place at Fort Erie, Ontario, on December 28, 1914, in the course of which Walter Smith was killed and Charles Dorsch was seriously wounded through the acts of Officer Delaney of the Ontario police force and Corporal Archie Kayo and Privates Edmond MacIntosh and Leslie Kinsman of the 44 Militia stationed at Fort Erie at the time, while attempting, in their capacity as officers and soldiers under orders, to effect, as they claim, the arrest of Smith and Dorsch for violation of the Canadian game law.

I have now received reports of the circumstances of the affair, including sworn statements of eye witnesses and a transcript of the testimony of witnesses taken at the inquest held by the Canadian authorities into the death of Walter Smith. From the facts disclosed it seems clear that the offense for which the arrest of the two men was sought was a minor one, said to have occurred within the jurisdiction of Ontario; that no resistance was offered or violence threatened by the injured men at the time; that the killing and wounding were inflicted intentionally, or, if not, through the gross and culpable negligence of the officers and soldiers in the most reckless manner in which they used their arms; and that the killing of Smith and the wounding of Dorsch were without justification or excuse. It is not believed that the acts of these Canadian officers and soldiers, as shown by the evidence at hand, will be justified or condoned.

The case is one in which, it is confidently believed, the Canadian authorities will take prompt and appropriate steps for the proper punishment of those shown to be guilty and for compensation to the relatives of the deceased and to the wounded man; and with this end in view I call your excellency's attention to the matter.

The tragedy happened in the waters of the boundary stream between the United States and Canada, so long free from regrettable incidents of this character, although the inhabitants of both countries are in constant intercourse and are closely united by industrial ties and mutual interest. Naturally, the killing of Smith and the wounding of Dorsch in circumstances so unfortunate have provoked no little feeling of resentment on the American side of the boundary; and, as delay in a satisfactory settlement will tend to increase this feeling, I feel justified in urging you to inform me at as early a date as possible, of the intentions of the Canadian Government in the premises.

I have [etc.]

W. J. BRYAN.

File No. 342.112Sm6/8.

Consul Messersmith to the Secretary of State.

No. 12.] AMERICAN CONSULATE,
Fort Erie, January 11, 1915.

SIR: I have the honor to inform the Department that on Friday afternoon, January 8, 1915, Chief Mains, of Niagara Falls, Ontario, in charge of the Ontario police in the district of which Fort Erie is a part, came to Fort Erie and arrested Provincial Police Officer Thomas Delaney, and Corporal Archie Kayo, and Privates Edmond MacIntosh and Leslie Kinsman of the contingent of the 44th Regiment, stationed here. The arrests were made on the charge of manslaughter in connection with the killing of Walter Smith and the wounding of Charles Dorsch on December 28, 1914, at Fort Erie.

The men arrested were taken to the county jail at Welland. Attempts to secure release on bail for the men have been fruitless. The Crown Attorney, Mr. Cowper, has announced the preliminary hearing of the men will be held Wednesday afternoon, January 13, 1915, and that they will be tried on March 2, at Welland, when the spring assizes open.

I have [etc.]

G. S. MESSERSMITH.

File No. 342.112Sm6/13.

No. 14.] AMERICAN CONSULATE,
Fort Erie, January 20, 1915.

SIR: I have the honor to report that counsel for Officer Delaney and the 3 soldiers under arrest for the shooting of Smith and Dorsch at Fort Erie on December 28, 1914, appeared before High Court Justice Middleton at Toronto on January 19, 1915, and asked for the release of the four men on bail. Justice Middleton fixed bail for Delaney at $30,000, and $20,000 for each of the militiamen. He also ruled that each of the prisoners might give his personal bond for half the amount of the bail. Officer Delaney was released last evening on giving his personal bond for $15,000 and on the bonds of 2 responsible persons for $7,500 each. The 3 soldiers were released today on furnishing the bonds fixed.

The trial of the men will be held at Welland on March 2, the opening of the spring assizes.

I have [etc.]

G. S. MESSERSMITH.

File No. 342.112Sm6/16.

The British Ambassador to the Secretary of State.

No. 67.] BRITISH EMBASSY,
Washington, February 13, 1915.

SIR: I have the honour to acquaint you that a representative of the Canadian Government has recently visited Washington and after discussing the matter with Congressman C. B. Smith, of Buffalo, and other gentlemen from that locality, succeeded in effecting a settlement in the matter of the Fort Erie shooting case, under which the mother of the deceased man receives the sum of ten thousand dollars, and the wounded man five thousand dollars, as compensation from the Government of Canada for injuries and loss sustained. It is understood that this arrangement is entirely satisfactory to the parties concerned, and the money has been paid over.

It only remains for me to renew the assurance of deep regret on the part of the Canadian Government at this unfortunate occurrence which I have already expressed to you, and to say that the preliminary steps have been taken to place the men charged with the shooting upon their trial in the ordinary course of justice.

I have [etc.]

CECIL SPRING RICE.

File No. 342.112Sm6/19.

Consul Goodier to the Secretary of State.

[Extract.]

No. 13.] AMERICAN CONSULATE,
Niagara Falls, March 3, 1915.

SIR: I have the honor to report that I attended the opening of the March assizes at Welland, Ontario, yesterday. It was at this term of court that the peace officer Thomas Delaney, and the Canadian soldiers Kayo, MacIntosh and Kinsman, were to have been tried on a charge of manslaughter for having caused the death of Walter Smith, an American citizen. * * *

Under Canadian criminal procedure, persons accused of crime are presented to the grand jury, and if indicted are tried immediately, or at least almost invariably at the same term of court. The case is not sent on for trial to another court or another term of court, as is usual in most of our State courts in the United States.

Accordingly upon the convening of court at Welland yesterday, the grand jury was empanelled and charged shortly after 1 p. m., the hour of opening the session. Thirteen grand jurors were drawn and sat, and as a grand jury were charged by Chancellor Sir John Alexander Boyd, K. C. M. G., who presided over the court.

Among other things the judge instructed the jury as to the number (7) necessary to concur in an indictment, and stated to the jurors that they should take into consideration the fact that some $16,000 had been paid by Canada because of the shooting; and that in so far as money could compensate in a matter of this kind, a just compensation had already been made to the victims of the occurrence. Their verdict showed the effect of the judge's charge.

How such a verdict as "no bill" could have been reached by any intelligent and fair-minded jury on the evidence adduced before it, I cannot imagine.

The evidence taken upon the coroner's inquest is convincing to a degree as to the criminal negligence and utter disregard of human life evidenced by the officers in attempting these arrests. Reinforced as this evidence was by the stories of two disinterested eye witnesses (Mr. Sheridan and Mrs. Carlton Wilson, the former of whom describes the shooting most minutely, as does also the latter with a positive assertion that she saw the two soldiers kneeling on firing the last and fatal volley, evidently taking deliberate aim) it is inconceivable that a fair minded jury attempting to do substantial justice could fail to indict, that the truth might be brought out upon a trial.

Charles Dorsch, the man who was wounded, appeared before the grand jury and gave his testimony. He did so at the special request of Crown Attorney Cowper.

I have [etc.]

JAMES H. GOODIER.

File No. 242.112Sm6/16.

The Secretary of State to the British Ambassador.

DEPARTMENT OF STATE,
Washington, March 4, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of the 13th ultimo, in which you are so good as to inform me that a representative of the Canadian Government had within a short time previously visited Washington and after discussing the matter with Congressman C. B. Smith of Buffalo, and other gentlemen from that locality, had succeeded in effecting a settlement in the matter of the Fort Erie shooting case, under which the mother of the deceased man received the sum of $10,000 and the wounded man $5,000 as compensation from the Government of Canada for the loss and injuries sustained; and you add that the preliminary steps have been taken to place the men charged with that shooting upon trial in the ordinary course of justice.

In reply, I have the honor to say that the Department is gratified that the British authorities have seen fit to take prompt steps to make a just disposition of this regrettable occurrence by apprehending and bringing to trial the persons who did the shooting and by indemnifying the wounded man and the mother of the man killed.

I have [etc.]

W. J. BRYAN.

File No. 342.112Sm6/25a.

The Secretary of State ad interim to the British Ambassador.

MEMORANDUM.

The Secretary of State *ad interim* deems it proper to call to the attention of his excellency the British Ambassador information which the Department of State has received regarding the action of a Canadian judge in giving a charge, apparently highly improper, to the grand jury which was empaneled to consider the cases against the men who, in December last, shot the American citizens Walter Smith and Charles Dorsch at Fort Erie, Ontario.

As his excellency was informed in a note dated January 8, 1915, the Department of State, after investigation of this occurrence, was of the opinion that the killing of one of these American citizens and the wounding of the other was without justification. The Department of State after having received assurances that suitable steps would be taken to redress these injuries through proper steps being taken to bring to justice the guilty persons and through the payment of indemnities to the wounded man and to the relatives of the deceased, was glad to learn that indemnities were promptly paid by the Canadian authorities. But the Department regrets that it has received authentic information to the effect that the judge, in instructing the jury, informed them to the effect that they should take into consideration the fact that an indemnity of some $16,000 had been paid by the Canadian Government, and that insofar as money could afford compensation in a matter of this kind, just compensation had been made to the victims. From the information before the Department of State it seems reasonably certain that the action of the jury in failing to indict the men who did the shooting was influenced by this obviously improper statement on the part of the Judge.

DEPARTMENT OF STATE,
Washington, June 11, 1915.

File No. 342.112Sm6/26.

The British Ambassador to the Secretary of State.

MEMORANDUM.

The British Ambassador presents his compliments to the Secretary of State, and with reference to Mr. Lansing's memorandum of the 11th June last, on the subject of the case brought against the persons responsible for the shooting of the American citizens Walter Smith and Charles Dorsch in December last, has the honour to state that the observations contained in that memorandum with regard to the failure of the grand jury to indict these persons were duly brought to the attention of the competent authorities in Canada.

As a result of a careful examination of the case, these authorities have reached the conclusion that there was nothing in the charge to the grand jury, if taken as a whole, of a nature to influence the

grand jury to find no bill, and they do not consider that the action of the jury in failing to indict the men who did the shooting can properly be attributed to the passage in the charge which is quoted in the memorandum from the Secretary of State. The considerations which led the jury to find no bill can of course, in view of the grand jurors' oath to observe and keep secret the Kings' counsel, his fellows' and his own, not be the subject of accurate information, independently of such inferences as may be drawn from the words of the charge, and it is thought that the learned judge did not refer to the payment of an indemnity in such terms as could be interpreted by the jury as an instruction that the payment could possibly justify or atone for any offence against the criminal law which had previously been committed by the persons whose presentment was under consideration.

The Canadian authorities are not disposed to deny the duty imposed on the local government, both for the proper administration of the criminal law and by good international practice, to have resort to the ordinary proceedings to put upon their trial the persons who were responsible for the shooting; but on the other hand, in the present case, where there can be no question of malice, it would not appear to be incumbent on such Government to have recourse to extraordinary proceedings.

The Government of Canada have in these circumstances decided that the documents in this case, including the memorandum from the Secretary of State under reply, should be referred to the authorities of the Province of Ontario, who are responsible for the administration of criminal justice in the province, in order that they may consider the advisability of renewing proceedings in the matter by a fresh presentation to a grand jury.

BRITISH EMBASSY,
Washington, September 9, 1915.

COPYRIGHT ON UNPUBLISHED MUSICAL WORKS FOR REPRODUCTION BY MECHANICAL MUSICAL CONTRIVANCES GRANTED BY THE UNITED STATES AND GREAT BRITAIN RECIPROCALLY.

File No. 811.54441/11.

The Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, December 30, 1914.

TO THE PRESIDENT:

I have the honor to invite your attention to the unsatisfactory state of the copyright relations between the United States and Great Britain which have existed since January 1, 1912, on which date the British Consolidated Copyright Act of December 16, 1911, became effective, and to enclose herewith for your information on the subject copies of two memoranda[1] of the Register of Copyrights, dated December 9, 1912, and January 6, 1914, respectively, both of which have been approved by the Librarian of Congress, in which the matter is dealt with at some length.

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[1] Not printed.

It will be noted from these memoranda that on the one hand American citizens not resident in British Dominions, who are authors of unpublished works, i. e., dramas, musical compositions, lectures and other productions for oral delivery and original works of art, paintings and sculpture, can not now obtain for their works in Great Britain the protection afforded to British subjects by the British Copyright Act now in force and that as a consequence they also lose protection for such works throughout the countries of the International Copyright Union, as well as the right to compel the payment of royalty for the use in Great Britain of unpublished musical works for reproduction by mechanical musical contrivances.

On the other hand it appears that British authors of musical works cannot take advantage in the United States of the provisions of Section I (e) of the Copyright Act approved March 4, 1909, to acquire copyright controlling the parts of instruments serving to reproduce mechanically their musical compositions. It will also be noted that the suggestion was made by the Register of Copyrights that the matter might be adjusted to the mutual benefit of both countries by an agreement between them whereby the British Government, under the provisions of Section 29 of the British Copyright Act of July 1, 1912, would issue an Order in Council, as authorized thereby, directing that the provisions of the Act shall apply, with regard to the unpublished works of American authors,

(1) to literary, dramatic, musical, and artistic work, or any class thereof, the authors whereof were at the time of the making of the work citizens of the United States, in like manner as if the authors were British subjects; and

(2) in respect of residence in the United States, in like manner as if such residence were residence in the parts of His Majesty's dominions to which this Act extends;

in exchange for which reciprocal protection of their musical works in the United States would be extended to British subjects by the issuance, under the provisions of Section 8 (b) of the Copyright Act of March 4, 1909, of a Presidential Proclamation extending to the subjects of Great Britain the protection afforded by this Act.

This Department has for some time been in correspondence with the British Government on the subject and has received from the American Ambassador at London a despatch [1] dated November 27 last reporting that the British Government has expressed its willingness to issue such an Order in Council as is mentioned above upon receipt of assurances that a Presidential Proclamation extending to British subjects the protection in the United States provided for by Section I (e) of the Act of March 4, 1909, would be issued by this Government. A copy of the proposed British Order in Council having been forwarded with the Ambassador's despatch, it was, on December 18, forwarded to the Librarian of Congress for his consideration and an expression of his views as to its sufficiency and as to whether in consequence of its proposed issuance this Department would be justified in recommending the issuance of such a Presidential Proclamation as that just referred to. I have the honor to enclose for your information a copy of the Librarian's reply [1] and, in conformity with the recommendations therein made,

[1] Not printed.

to enclose also for your signature, should you approve thereof, a proposed Proclamation[2] to be issued by you under the provisions of Section 8 (b) of the Copyright Act approved March 4, 1909, extending to British subjects the protection afforded by Section I (e) of that Act, including copyright controlling the parts of instruments serving to reproduce mechanically a musical work.

The British Government has expressed a wish that the proposed Order in Council and Proclamation may take effect as of date of January 1, 1915.

Respectfully submitted:

W. J. BRYAN.

Proclamation 1289.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

WHEREAS it is provided by the Act of Congress of March 4, 1909, entitled "An Act to Amend and Consolidate the Acts Respecting Copyright," that the provisions of said Act, "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after the Act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights":

And whereas it is further provided that the copyright secured by the Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of said Act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto:

And whereas it is also provided by said section that "The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time as the purposes of this Act may require":

And whereas satisfactory official assurance has been given that, by virtue of the authority conferred by the British Copyright Act,

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[2] See the next paper.

1911, a British Order in Council has been issued of even date with this Proclamation directing:

1. That "the Copyright Act, 1911, including the provisions as to existing works, shall, subject to the provisions of the said Act and of this Order, apply—

(a) to literary, dramatic, musical and artistic works the authors whereof were at the time of the making of the works citizens of the United States of America, in like manner as if the authors had been British subjects:

(b) in respect of residence in the United States of America, in like manner as if such residence had been residence in the parts of His Majesty's dominions to which the said Act extends.

Provided that—

(i) the term of copyright within the parts of His Majesty's dominions to which this Order applies shall not exceed that conferred by the law of the United States of America:

(ii) the enjoyment of the rights conferred by this Order shall be subject to the accomplishment of the conditions and formalities prescribed by the law of the United States of America:

(iii) in the application to existing works of the provisions of Section 24 of the Copyright Act, 1911, the commencement of this Order shall be substituted for the 26th July, 1910, in subsection 1 (b)."

2. That "this Order shall apply to all His Majesty's dominions, colonies and possessions with the exception of those hereinafter named, that is to say:—The Dominion of Canada, The Commonwealth of Australia, The Dominion of New Zealand, The Union of South Africa, Newfoundland."

3. That "this Order shall come into operation on the first day of January, 1915, which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary Orders accordingly."

Now, therefore, I, Woodrow Wilson, President of the United States of America, do declare and proclaim that one of the alternative conditions specified in section 8 (b) of the Act of March 4, 1909, now exists and is fulfilled in respect to the subjects of Great Britain and the British dominions, colonies and possessions, with the exception of Canada, Australia, New Zealand, South Africa, and Newfoundland, and that such subjects shall be entitled to all the benefits of section I (e) of the said Act, on and after January 1, 1915.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this first day of January, in the year of our Lord one thousand nine hundred and fifteen, and of the Independence of the United States of America the one hundred and thirty-ninth.

[seal.] Woodrow Wilson.

By the President:

W. J. Bryan,

Secretary of State.

File No. 811.54441/11.

The Secretary of State to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 2, 1915.

869. Presidential Proclamation has been issued effective January 1, 1915, on understanding British Order in Council will be issued to take effect same date. Bring this at once to attention Foreign Office.

BRYAN.

File No. 811.54441/16.

Ambassador Page to the Secretary of State.

No. 899.] AMERICAN EMBASSY,
London, February 15, 1915.

SIR: I have the honor to transmit herewith enclosed a copy of the British Order in Council issued on the 3rd. instant relative to the application to the United States of the Copyright Act 1911.

This Order came into operation on 1st. of January, 1915.

I have [etc.]

WALTER HINES PAGE.

[Inclosure.]

AT THE COURT AT BUCKINGHAM PALACE
THE 3RD DAY OF FEBRUARY, 1915.

Present,
The King's Most Excellency Majesty
Lord President
Mr. Secretary Harcourt
Viscount Knollys
Mr. Arthur Henderson
Lord Chamberlain
Sir William Macgregor
Lord Justice Bankes

Whereas by a Proclamation of the President of the United States of America, dated the 9th April, 1910, the benefits of the United States Act of 1909, entitled "An Act to amend and consolidate the Acts respecting Copyright," were extended to the Subjects of Great Britain and her Possessions, but no provision was made therein for the protection of the musical works of British Subjects against reproduction by means of mechanical contrivances:

And whereas His Majesty is advised that the Government of the United States of America has undertaken, upon the issue of this Order, to grant such protection to the musical works of British Subjects:

And whereas by reason of these premises His Majesty is satisfied that the Government of the United States of America has made, or has undertaken to make, such provision as it is expedient to require for the protection of works entitled to Copyright under the provisions of Part I of the Copyright Act, 1911:

And whereas by the Copyright Act, 1911, authority is conferred upon His Majesty to extend, by Order in Council, the protection of the said Act to certain classes of foreign works within any parts of His Majesty's Dominions, other than self-governing Dominions, to which the said Act extends:

And whereas it is desirable to provide protection within the said Dominions for the unpublished works of Citizens of the United States of America:

Now, therefore, His Majesty, by and with the advice of His Privy Council, and by virtue of the authority conferred upon him by the Copyright Act, 1911, is pleased to order, and it is hereby ordered, as follows:—

1. The Copyright Act, 1911, including the provisions as to existing works, shall, subject to the provisions of the said Act, and of this Order, apply—

(a) to literary, dramatic, musical and artistic works the authors whereof were at the time of the making of the works Citizens of the United States of America, in like manner as if the authors had been British Subjects:

(b) in respect of residence in the United States of America, in like manner as if such residence had been residence in the parts of His Majesty's Dominions to which the said Act extends.

Provided that—

(i) the term of Copyright within the parts of His Majesty's Dominions to which the Order applies shall not exceed that conferred by the law of the United States of America:

(ii) the enjoyment of the rights conferred by this Order shall be subject to the accomplishment of the conditions and formalities prescribed by the law of the United States of America:

(iii) in the application to existing works of the provisions of Section 24 of the Copyright Act, 1911, the commencement of this Order shall be substituted for the 26th July, 1910, in subsection 1 (b).

2. This Order shall apply to all His Majesty's Dominions, Colonies and Possessions, with the exception of those hereinafter named, that is to say:—

The Dominion of Canada.
The Commonwealth of Australia.
The Dominion of New Zealand.
The Union of South Africa.
Newfoundland.

3. This Order shall come into operation on the 1st day of January, 1915, which day is in this Order referred to as the commencement of this Order.

And the Lords Commissioners of His Majesty's Treasury are to give the necessary orders accordingly.

ALMERIC FITZROY.

GUATEMALA.

AGREEMENT BETWEEN THE UNITED STATES AND GUATEMALA EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE II OF THE TREATY OF SEPTEMBER 20, 1913, EFFECTED BY EXCHANGE OF NOTES SIGNED NOVEMBER 3, 1915.

Treaty Series No. 598–A.]

The Secretary of State to the Minister of Guatemala.

DEPARTMENT OF STATE,
Washington, November 3, 1915.

EXCELLENCY: It not having been found possible to complete the International Commission provided for in the Treaty of September 20, 1913, between the United States and Guatemala, looking to the advancement of the general cause of peace, within the time specified in the Treaty, which expired February 13, 1915, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended by an exchange of notes from February 13, 1915, to January 1, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT LANSING.

The Minister of Guatemala to the Secretary of State.

LEGACIÓN DE GUATEMALA,
Washington, November 3rd, 1915.

EXCELLENCY: I have the honour to acknowledge the receipt of your excellency's note of to-day, in which your excellency suggests, that as it was not possible to complete the International Commission provided for in the Treaty of September 20, 1913, between the United States and Guatemala, looking to the advancement of the general cause of peace, within the time specified in the treaty, which expired February 13, 1915, that the time within which the organization of the Commission may be completed be extended by an exchange of notes from February 13, 1915, to January 1, 1916.

In answer to your excellency's note, I beg to state that the Government of Guatemala receives the suggestion most favourably, and I therefore believe that this answer of mine in the name of my Government can be regarded as the completing of the exchange of notes.

I avail myself of the opportunity to renew to your excellency the assurances of my highest consideration and esteem.

JOAQUÍN MÉNDEZ.

MESSAGE OF THE PRESIDENT, MANUEL ESTRADA CABRERA, TO THE NATIONAL LEGISLATIVE ASSEMBLY.

File No. 814.032/5.

Minister Leavell to the Secretary of State.

No. 160.] AMERICAN LEGATION,
Guatemala, March 9, 1915.

SIR: I have the honor to report that on the first day of the current month the Congress of Guatemala was convened in this capital. The message of President Manuel Estrada Cabrera was read to the Congress by the Foreign Minister.

That message I am forwarding in the pouch today with translations of the only two matters of particular interest to the Department which President Cabrera discussed in his message.

I have [etc.]

WILLIAM HAYNE LEAVELL.

[Inclosure—Translation—Extract.]

Relations between Guatemala and the United States have been maintained according to the traditional bases of cordiality and sympathy. The Government of the Republic has been in continual communication with the Government of the great American nation and has viewed with gratitude the important initiatives taken by the Government of this friendly nation. The disastrous war which has been going on in the Old World since the month of July has brought about suddenly a situation which is unique in the New World and owing to this situation the necessity has arisen for the peoples of this hemisphere to settle many problems, principally economic ones, which did not exist formerly. As the centers of European production and the markets which consumed a great part of the American exports are for the moment closed, it has become necessary to turn our eyes to other countries and nothing is more natural than to take into consideration the geographical situation of the countries which are nearest to us in order to obtain with these countries better conditions for the marketing of our fruits as well as the centers of produce which are indispensable to the feeding of our commerce of importation. In order to facilitate this, various means have been suggested in the United States and an international conference is now being arranged. This conference has been called together by the American Government and will be for the purpose of discussing the most expeditious and surest methods for bringing about more considerable commercial and financial relations between the United States and the nations of Central and South America. * * *

The facility which will be lent by the new lines of steamships now gathering in the ports of Central America constitutes another factor in the development which, owing to international commerce, we hope will take place in a short time in these countries.

The opening of the Panama Canal, which has created a new commercial era for all the countries of the world and especially for the countries which like ourselves surround the Caribbean Sea, will without doubt be one of the most important events of the present century. Guatemala, courteously invited, will be represented at the ceremonies arranged for the celebration of this great incident and will make manifest the importance of the event and the firm friendship which unites us with the Great American Republic. * * *

The great success at the Exposition of Ghent and the Exposition of Tropical Products in London, lead one to believe that an equal or even greater success may result at the exposition arranged for at San Francisco, California, in celebration of the inauguration of the Panama Canal, in the presence of which Guatemala could not remain indifferent in view of the real love that this country bears toward all progress and in view of the strong ties that unite us with the older sister of the countries of America, the democratic and liberal Republic of the United States.

HAITI.

CONCLUSION OF A TREATY BETWEEN THE UNITED STATES AND HAITI FOR THE FINANCIAL AND ECONOMIC DEVELOPMENT AND TRANQUILLITY OF HAITI. CONCLUSION OF A MODUS VIVENDI.[1]

File No. 838.00/1243.

Admiral Caperton to the Secretary of the Navy.

[Telegram—Paraphrase—Extract.][2]

U. S. S. "WASHINGTON," *August 7, 1915.*

I have had daily conferences with the President of the Senate and Chamber of Deputies, with Senators, Deputies, ex-Cabinet Ministers, and many leading Haitians. In the presence of Congressmen, Dartiguenave, President of the Senate, stated that Congressmen are agreed that Haiti must and will accede gladly to any terms proposed by the United States. Now, they say they will cede outright without restriction St. Nicholas Mole, granting us the right to intervene when necessary, customhouse control, and any other terms. Only they beg to avoid as far as possible humiliation. They insist that no government can stand except through protection of the United States. Without this protection there would be nothing but anarchy in Haiti according to their statements. Most Haitians now fear that the Americans will withdraw their troops.

Immediately it is extremely desirable to reestablish government. Next Thursday, August 12, unless otherwise directed, I will permit Congress to elect a President.

CAPERTON.

File No. 711.38/24a.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 12, 1915.

For more than a year the Haitian Government has been familiar with the terms of the treaty contained in Department's instruction of July 2, 1914,[3] with which they have already expressed their agreement regarding principal parts. Recently, however, assurances have been received that Haitian authorities are willing now to go farther than before, including cession to the United States of Mole St. Nicholas. In view of the friendly attitude of the Haitian Government as shown by these proposals, you will please prepare forthwith a draft of a treaty as outlined in this cablegram. Without delay

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[1] Continued from For. Rel. 1914, pp. 347–350.
[2] For the complete telegram, see Political Affairs, post.
[3] For. Rel. 1914, p. 347.

submit it informally to the President elect, and advise him that the Department believes that, as a guaranty of the sincerity and interest of Haitians in the orderly and peaceful development of their country, the Haitian Congress will be pleased to pass forthwith a resolution authorizing the President elect to conclude, without modification, the treaty submitted by you.

When officially notified that such a resolution has been passed by Congress, extend to the President elect the formal recognition of this Government and simultaneously conclude with the newly elected President of Haiti, to end that it may be forthwith submitted for ratification by the present Haitian Congress before its adjournment, a treaty in strict accordance with the draft referred to, with the following alterations and additions:

Alterations:

Omit from Article I the words: "if he shall deem it necessary and expedient, or if the Haitian Government shall request," so that that portion of Article I, referring to the appointment of Financial Adviser, shall read as follows: "and the President of the United States shall designate a Financial Adviser to the Republic of Haiti, who shall devise an adequate system of public accounting, et cetera," making corresponding changes throughout the treaty, particularly in Articles IV and VIII. Omit last two words, "of accounts" at end of Article I.

In Article II after the word "Receivership" add "and to the Financial Adviser"; change "its" before "execution" to "the."

In Article III substitute "Financial Adviser" for "General Receiver" in both instances.

First paragraph Article IV will read: "All sums collected and received by the General Receiver shall be applied, first, to the payment of the salaries and allowances of the General Receiver, his assistants and employees and expenses of the Receivership, including the salary and expenses of the Financial Adviser; second, to the interest and sinking fund of the public debt of the Republic of Haiti; and, third, to the maintenance of the constabulary referred to in Article IX; and then the remainder to the Haitian Government for purposes of current expenses. Second paragraph of Article IV will end with words "previous month."

Additions.

After Article VIII, insert articles as follows:

Article IX. The Haitian Government obligates itself, for the preservation of domestic peace, the security of individual rights and the full observance of the provisions of this treaty, to create without delay and [an] efficient constabulary composed of native Haitians. This constabulary shall be organized and officered by Americans, designated by the President of the United States, which officers the Haitian Government shall appoint and shall clothe with the proper and necessary authority and uphold in the performance of their functions. The constabulary herein provided for shall, under the direction of the Haitian Government, have supervision and control of arms and ammunition, military supplies, and traffic therein, throughout the country. The high contracting parties agree that

the stipulations in this article are necessary to prevent factional strife and disturbances.

Article X. The Government of Haiti agrees not to surrender any of the territory of the Republic of Haiti by sale, lease, or otherwise, or jurisdiction over such territory, to any foreign Government or Power except to the United States, nor to enter into any treaty or contract with any other foreign Power or Powers that will impair, or tend to impair, the independence of Haiti.

Article XI. The Haitian Government agrees to execute with the United States a protocol for the settlement, by arbitration or otherwise, of all pending pecuniary claims of foreign corporations, companies, citizens or subjects against Haiti.

Article XII. The Republic of Haiti, being desirous to further the development of its natural resources, agrees to undertake and execute such measures as in the opinion of the Government of the United States may be necessary for the sanitation and public improvement of the Republic, under the supervision and direction of an engineer or engineers, to be designated by the President of the United States, and appointed and authorized for that purpose by the Government of Haiti.

Article XIII. The United States shall have authority to prevent any and all interference with the attainment of any of the objects comprehended in this convention as well as the right to intervene for the preservation of Haitian independence and the maintenance of a government adequate for the protection of life, property and individual liberty.

Article XIV. The present treaty shall be approved and ratified by the high contracting parties in conformity with their respective laws, and the ratification thereof shall be exchanged in the City of Washington as soon as may be possible.

Article XV. The present treaty shall remain in full force and virtue for the term of ten years, to be counted from the day of exchange of ratifications, and further for another term of ten years at the request of either party.

In faith whereof, the respective Plenipotentiaries have signed the present convention in duplicate, and have thereunto affixed their seals.

Necessary full powers will be cabled you with least possible delay.

LANSING.

File No. 711.38/22b.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 14, 1915—noon.

Referring to last paragraph of Department's telegram [dated August 12], despatched through the Navy Department at two a. m. this morning, your full powers signed by the President today read as follows:

Woodrow Wilson, President of the United States of America. To all to whom these presents shall come, Greeting:

Know ye, That reposing special trust and confidence in the integrity, prudence and ability of Robert Beale Davis, Junior, Chargé d'Affaires of the United

States at Port au Prince, I have invested him with full and all manner of power and authority for and in the name of the United States to meet and confer with any person or persons duly authorized by the Government of Haiti, being invested with like power and authority, and with him or them to negotiate, conclude and sign a treaty looking to the strengthening of the amity existing between the two countries by the most cordial cooperation in meas ures for their common advantage.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington, the fourteenth day of August in the year of our Lord one thousand nine hundred and fifteen, and of the independence of the United States of America the one hundred and fortieth.

WOODROW WILSON.

By the President:
ROBERT LANSING
Secretary of State

Autograph full powers go to you by next mail. Pending their receipt, request acceptance of this telegram as full authority for you to sign.

LANSING.

File No. 711.38/22c.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 18, 1915—5 p. m.

Department's telegram to you August 10, midnight [noon][4] and that was delivered to you through the Navy, 9:40 a. m. August 15, should make perfectly clear to you the treaty which the United States deems necessary for maintenance of domestic peace in Haiti. The Department expects prompt ratification by Haiti of this treaty, powers to conclude which were cabled you August 14.

As soon after ratification as possible, the Department contemplates using its unofficial good offices to obtain immediate renewal of railroad construction so as to furnish means of livelihood for some of the large number of unemployed throughout the country.

Meanwhile and in order to provide sustenance for starving natives and to bring in marauders who constitute a grave public menace, it is desired that you confer with Admiral Caperton to the end that under his direction such public works may be conducted as will relieve the urgent need for employment and cause those who now promote factional disorders and unrest to lay down their arms and desist from efforts to foment strife. Extreme care should be taken not to exceed the customary scale of wages for such employment and every safeguard should be observed to insure that each individual receive his full due and be protected absolutely from all forms of petty graft. Admiral Caperton will therefore receive instructions to take charge, if possible upon the invitation of the de facto authorities, of such customhouses as are necessary to provide the funds: (1) to employ, keep occupied, and pay the individuals in question; (2) to establish peace throughout the country; (3) to support the Dartiguenave Government.

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[4] See Political Affairs.

To aid in the establishment of peace and in order to give the people renewed trust and confidence and to inspire them in the pursuits of industry and commerce, it is thought desirable that you confer with Archbishop Conan to the end that it be proclaimed to the natives through the clergy, and where possible by an American officer through the clergy, that they will be protected from interference in their rights to barter and sell their products and to enjoy the fruits of their labors.

LANSING.

File No. 838.51/408.

Chargé Davis to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Port au Prince, August 18, 1915—10 p. m.

Pursuant to your instructions, draft of treaty was placed before the President yesterday afternoon and the need for expedition urged. The President gave assurance that action would be taken with all possible dispatch.

DAVIS.

File No. 711.38/58a.

The Secretary of State to Chargé Davis.

No. 36.] DEPARTMENT OF STATE,
Washington, August 19, 1915.

SIR: Referring to the Department's telegram of the 14th instant, I enclose herewith the President's full power[5] authorizing you to negotiate and sign the treaty mentioned in that telegram.

I am [etc.]

ROBERT LANSING.

File No. 711.38/25a.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 22, 1915—2 p. m.

For your guidance in informal conversations with the de facto President, you may use the following as your views of the motives and purposes of the Government of the United States:

To establish a stable government and lasting domestic peace so that the Haitian people may safely enjoy their full rights of life, liberty and property and all patriotic citizens may be encouraged to participate in the development of their country, the treaty submitted ought to be ratified immediately, and at the same time the Haitian Government should invite this Government to enter into a modus

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[5] Printed in the telegram referred to.

vivendi embodying the same terms as the treaty and to operate thereunder until the United States Senate has acted upon the treaty

You might express the conviction that, in case such a request for a modus was made, the Haitian Government would not find this Department unsympathetic toward any proper effort which might be made to place the Haitian finances on a sound basis so that the Haitian Government may be able to pay promptly adequate salaries to its officials; to establish a good school system; to build roads and generally facilitate the transportation and marketing of the products of the country; to extend and perfect the present telegraph lines and erect and maintain wireless stations; to undertake harbor improvements and municipal sanitation; and, by carrying on public works of this nature, to furnish employment to the people and afford them opportunities to improve their industrial and intellectual condition.

To the end that this economic development may be freely and safely undertaken by the Haitian people, it seems indispensable to organize and maintain a trained constabulary which will take the place of the Haitian army and which, well officered and properly equipped and disciplined, will possess sufficient power to preserve order, suppress insurrections, and protect life and property throughout the Republic.

With the great resources of Haiti undeveloped because of the frequent political disorders and the constant danger to life and property, the de facto President must desire to adopt measures which will remove these obstacles. Believing him to be inspired by patriotic motives and the sincere purpose to improve the conditions of the Haitian people by maintaining peace and securing to them their individual rights, he will undoubtedly aid in carrying out the steps suggested. In his efforts he may confidently expect the United States, which seeks only the welfare of Haiti and its people, to give to him such protection and assistance as it may properly render.

LANSING.

File No. 711.38/24.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, August 23, 1915—4 p. m.

Having seen that the Haitian Government did not seem disposed to act promptly, I informed the Government on Saturday [August 21] that I hoped to be advised on or before August 25 of the passage of a resolution by the Chambers authorizing the President to conclude, without modification, a treaty in accordance with submitted draft; and reminded them once more that under my instructions passage of such resolution was a condition precedent to treaty negotiations.

At noon Minister of Foreign Affairs himself delivered a note in reply and said that he begged to state officially that should the United States insist upon other action than that which the Government had expressed itself in the note as willing to perform, the

President and Cabinet would be forced to resign. In the note the Government says, after expressing its great desire to enter into an arrangement with the United States, "it holds itself at the disposition of your Government to commence pourparlers"; and further: "Anxious to avoid all difficulties which would be of a nature to alter the good relations which exist between Haiti and the United States, the Haitian Government would be disposed, since the United States insists upon it, to suggest to the Legislative Chambers the vote of a resolution expressing the desire to see the President of the Republic conclude a convention with the United States to the best reciprocal interests of the two countries."

The difficulty rests upon the expression "without modification" as given in my instructions. In the opinion based on what I have been able to learn through unofficial channels, it is the hope of the Government to begin pourparlers to the end that customs control may be avoided.

Even should the Government make good its statement as to resignation, in view of all the circumstances as one sees them here, I believe it will be highly detrimental to a satisfactory and permanent settlement of the question if any concession be made at this time since none of the conditions imposed can be omitted without endangering the efficacy of the entire plan.

Unless I receive instructions to the contrary, I shall continue to use my best efforts to have treaty signed under the conditions of my original instructions.

DAVIS.

File No. 711.38/24.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 24, 1915—9 p. m.

The United States desires to deal justly and considerately with Haitians. It covets no Haitian territory, nor does it desire to usurp Haitian sovereignty or seek treaty conditions other than for the welfare of the Haitian people.

When the Haitians, as reported in Admiral Caperton's telegram dated August 7, proposed to cede outright, without restriction, Mole St. Nicholas, the Government of the United States, in its desire to avoid anything that would seem like an infringement of the territorial sovereignty of Haiti, declined to insert such a provision in the treaty. This action on the part of the United States stands as an evidence of its good faith and unselfish motives.

Reposing full credence in the statements which Dartiguenave and the members of the Haitian Congress had made to Admiral Caperton, the Department naturally expected a speedy ratification of the treaty, and it expected that at the same time a resolution would be passed by the Haitian Congress inviting the United States to enter into a modus vivendi which, having provisions similar to the treaty, would be operative until action on the treaty by the United States Senate.

Your August 23, 4 p. m., indicates that the de facto authorities give little evidence of their purpose to comply with their offers of August 7.[6] If the previous understanding, which has influenced the conduct of this Government, does not result in a prompt ratification of the treaty, then this Government will be compelled to consider the adoption of one of the following courses: First, establishing there a military government until honest elections can be held; second, permitting the control of the government to pass to some other political faction representative of the best elements of Haiti whose members will be willing to join in the prompt reestablishment of a stable government and permanent domestic peace.

In the event of the resignation of de facto authorities, Admiral Caperton will be instructed immediately to take the necessary means to accomplish one or the other of the two objects.

Use the foregoing discreetly and orally impress upon the President elect, and his supporters, serious consequences which may result if they should force this Government to adopt one of the above alternatives. It seems to this Government that the adoption of the treaty as proposed is the simplest method of establishing the stable and efficient government desired by all.

LANSING.

File No. 711.38/25.

Chargé Davis to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, August 25, 1915—6 p. m.

Yesterday in an unofficial talk with the Minister of Public Instruction he said that the convention submitted was altogether satisfactory and could be signed provided the United States would agree to the change of a few details which in no way affected the basic principles involved. Later Deputy Cham, the most intimate friend of the President-elect. confirmed this and suggested that I talk with the President privately and unofficially. I agreed and last night had talk with the President. He corroborated information already received and seemed most sincere both in his desire to conclude treaty as soon as possible and belief that such an agreement would be had. I told him that while I was not authorized to sign any treaty other than the one submitted I would not object to forwarding to Washington his desired changes, should they prove to be as I had been led to believe. He promised me to notify me of the exact changes desired at the first possible moment and has just informed me that he expects to be able to do so to-morrow.

Unreliable political enemies of the Haitian Government are attempting to stir up animosity against Government and American intervention and chances for successful negotiations greatly increased if we take no steps, other than those which are a military necessity for preservation of peace and order, which would arouse public opinion and consequently make ratification more difficult to secure. On receipt, will telegraph desired alterations for Department's consideration.

DAVIS.

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[6] Telegram from Admiral Caperton.

File No. 711.38/26.

AMERICAN LEGATION,
Port au Prince, August 28, 1915—10 a. m.

Fears expressed in my August 23, 4 p. m., materialized yesterday when Minister for Foreign Affairs submitted written reply of Haitian Government to treaty submitted. Practically every stipulation of original treaty is either omitted or so changed as to defeat its purpose.

I have this morning replied to the same and after reminding Minister for Foreign Affairs that I had been repeatedly assured that we were in accord as to all principles involved, differing only as to slight matters of detail, as the basis (my August 25, 6 p. m.), I declined to discuss the same and requested an expression of opinion as to acceptability of the draft as originally submitted.

DAVIS.

File No. 711.38/27.

AMERICAN LEGATION,
Port au Prince, August 30, 1915. 10 p. m.

Pursuant to my request for an expression of opinion as to draft of treaty originally submitted, I succeeded yesterday in having President and Cabinet go into detailed discussion with me as to original proposition. After a conference of seven hours they would, on behalf of Government, agree to sign the treaty modified as below set out.

Insist that plan for the control of customs as proposed infringes upon the existing bank concessions, and insist this difficulty should be removed before the question finally discussed. State that they are willing to give the control of customs if this difficulty is removed, adding however that even after removal of difficulty they would insist on changes which would give the United States control but not administration.

Declare that financial adviser altogether impossible of acceptance as infringing on the constitutional powers of Minister of Finance.

Declare that Article 13 acceptable in substance but not in form but refused to submit a form which would be acceptable to them.

Decline to accept the clause allowing renewal, substituting one making it optional with either party to conclude agreement at the end of ten years.

Desire to substitute word "American" for the word "foreign" in Article 11.

In Article 10 wish to omit "except to United States" and the word "other".

Desire appointments be made by the President of Haiti from a list submitted by the President of the United States instead of directly by President.

Other minor details in wording are also desired.

They declare a treaty as above indicated is the utmost they can agree to, giving unconstitutionality, fear of popular opinion and impossibility of receiving support of Chambers as reasons why more can not be conceded. Evident disinclination of several Cabinet members to really attempt to arrive at an agreement is very apparent. They state that Government will resign rather than agree to original stipulations; seem to be working for a delay. President himself seems sincerely desirous of reaching agreement, but does not appear to be a man of sufficient force to control Cabinet and Chambers.

In view of possibility of their sincerity and a fall of the Government, have not delivered contents of your August 28, 8 p. m.,[8] as it may very possibly result in United States being obliged to take steps referred to in your August 24 and consequently think it advisable to advise you and allow opportunity for decision as to which course to pursue in such an eventuality.

In my opinion think it advisable to resume taking of customhouses.

DAVIS.

File No. 711.38/27.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 1, 1915—1 p. m.

Your August 30, 10 p. m. Department has taken careful note of Haitian opinion regarding modified treaty Haitians would agree to sign, and that they are willing to give control, but not administration, of customs, provided the proposed control does not infringe upon existing bank concessions.

This Department, desiring to evidence consideration for contracts which the Haitian Government had made with the National Bank of Haiti, made perfectly clear to the president and manager of the latter and to the French Ambassador that it would probably become necessary for this Government to take charge of the principal Haitian customhouses, so that the proceeds therefrom might be used temporarily to provide sustenance for starving natives; to bring in marauders, who constitute a public menace; to undertake such temporary sanitation and public works as would be necessary to relieve the urgent need for employment; and to cause those engaged in factional strife to lay down their arms. They were informed that Admiral Caperton would be instructed accordingly and that it is the desire of the American Government that such discretionary use of the funds be ended at the earliest possible moment and that at the opportune moment this Government will, by the exchange of notes with the French Government, make clear its intention with respect to the terms of the agreement between the Republic of Haiti and the National Bank of Haiti, in the interpretation of which it is thought that the French and the American Governments can so agree as to avoid any conflict whatsoever with the convention which this Government now presents to the Republic of Haiti for ratification.

All the above, fully understood by the French interests and by the French Ambassador, brought forth from the president of the Bank the expression that,

> In case the United States deems it proper to extend its action to all the other customhouses in Haiti, in order that the money may be fully collected and deposited with the desired regularity, the Bank will be quite willing to carry, in a special account, according to the desires of the United States Government, the funds received from this source.

Therefore, from the above the Republic of Haiti may clearly see that no obstacle prevents its full acceptance of the clauses of the convention that relate to the customs. In the administration of the customs control the United States naturally desires to make use of as

[8] Not printed.

many competent Haitians as show themselves to be patriotic and desirous of respecting the spirit of the convention.

In connection with the financial control the Department's recent action in connection with Mole St. Nicholas shows clearly its desire to respect the Constitution and sovereignty of Haiti. There will be, however, no reasonable prospect of relief to the Haitian people or of the rehabilitation of Haitian finances if the funds from customs are to be left as a possible invitation to some ambitious revolutionist to overturn the Government and to reproduce the recent wanton acts, security from which the proposed convention is thought fully to provide. The Financial Adviser will be an officer attached to the Ministry of Finance, of whose recommendations the Minister will be expected to avail himself, which will not affect his constitutional prerogatives.

The Department has no objection to changing the form of Article 13, provided the precise spirit of the language expressed therein is conveyed in other phraseology more pleasing to the Haitians.

If the Haitians object to the renewal clause, Article 15 may read,

> The present treaty shall remain in force until the payment or retirement of any and all bonds which have been issued by the Republic of Haiti or which may be issued during the next twenty years.

The United States, compelled by the appalling conditions in Haiti to undertake the establishment of peace in the Republic, is fully convinced that the proposed convention is necessary to make peace permanent and to give Haiti a new basis of credit.

The next concern of the United States is to see prosperity throughout the Republic. Haiti should appreciate that means for economic and industrial development cannot come from within and that foreign capital must be sought and secured, and this cannot be expected unless there is reasonable assurance against internal dissensions. Therefore the period during which peace in Haiti is assured will measure the extent to which foreigners may be expected to invest in the country. Not until the proposed convention is ratified and those in authority manifest a disposition to pursue a progressive policy for the development of Haiti, can foreign capital be expected.

Since submitting the convention it has developed that Haiti cannot be expected to repay an adequate loan within ten years, and a short term for the life of the convention will be disadvantageous to Haiti, in whose interests this Government would prefer to see the proposed convention continue until it had served its full usefulness.

There remains now therefore to be discussed the phrasing of Article 13 and the life of the convention. In all other respects the Department must insist that the treaty stand substantially as submitted. There should be no apprehension that the United States will abandon those who may be instrumental in adopting or carrying out the plan proposed.

The Department approves your action in not making use of its August 28, 8 p. m.,[8] which was intended for your information and guidance only.

LANSING.

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[8] Not printed.

File No. 711.38/28.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, September 4, 1915—10 a. m.

Indications now are that certain members of Cabinet will resign and their places will be filled by men more in sympathy with the desires of the United States.

Should President agree to sign the treaty, must I insist on a previous resolution by Chamber of Deputies authorizing him to act?

Since the United States has agreed to allow certain modifications of the treaty, and a resolution embodying "without modification" is no longer applicable, does the Department desire a resolution of any kind, or would signing under constitutional powers suffice?

Government informs me unofficially that our declaration of martial law yesterday afternoon has greatly strengthened its position, and will facilitate speedy ratification by Chamber of Deputies in case treaty agreement arrived at.

DAVIS.

File No. 711.38/28.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 5, 1915—3 p. m.

Your September 4, 10 a. m. If attainment vote of desired resolution would cause further delay and if you are satisfied that any treaty signed by the President with approval of Cabinet will be promptly ratified without any amendments whatsoever, before the 12th instant, it would not seem necessary to insist on a previous resolution by Chamber of Deputies.

Referring to last paragraph of your telegram under reference, the Department now confidently expects immediate conclusion of treaty and looks for early favorable action by Chamber.

LANSING.

File No. 711.38/29.

Chargé Davis to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, September 7, 1915—8 p. m.

I have just returned from a conference with President and Cabinet which began at three this afternoon, at which time I had demanded a definite answer regarding treaty. Minister for Foreign Affairs and Minister of Public Works refused to accept Financial Adviser which, however, declared to be essential. Whereupon the President requested and accepted their immediate resignations. Re-

mainder of Cabinet agreed to accept the treaty substantially as submitted. The President then asked me to allow him a short delay to enable him to fill vacancies in the Cabinet, to which I agreed. He then requested a conference with me tomorrow morning to discuss appointees. Resignation of Minister for Foreign Affairs removes cause of previous delays and will doubtless enable the President to expedite signing. President's action today seems to indicate that he now realizes the necessity for action without further delay and that he has determined to use all means to attain this end.

DAVIS.

File No. 711.38/30.

AMERICAN LEGATION,
Port au Prince, September 10, 1915—4 p. m.

Used best efforts to have Haitian Government agree to sign the treaty as submitted. Haitian Government declare that it is impossible to secure ratification in that form but states that treaty modified as set out below will be ratified by Haitian Congress. New Minister for Foreign Affairs, Mr. Borno, assured me that should United States insist on original draft he will resign rather than sign same as he is convinced that the Government could not hope to have this action ratified by Congress.

He declared before submitting his proposed changes that they were made in the attempt to concede all United States demands but to do so in a manner less humiliating to the Haitian people and also to avoid certain points which in the opinion of the Government are not possible under the Haitian Constitution.

In my opinion the Government is sincere in its declaration as to its inability to sign original treaty and I believe if it is insisted upon the Government will fall. I also think treaty below submitted would be ratified without further modification. I am assured of this by the President and Minister of the Interior who were former presidents of the Senate and Congress and who are very influential in those bodies.

However, in case the United States Government finds modified treaty acceptable, I request exact instructions as to previous resolution of Congress. My personal opinion is that it is unnecessary and will cause delay but I have no means other than by the Government's assurances and personal expressions of legislators to satisfy myself of conditions set forth in your telegram September 5, 3 p. m.

The following changes in the original draft[7] of treaty submitted represent the desires of the Haitian Government:

Preamble. Omit word "unsatisfactory". Omit all between word "finances" and words "to maintain". Omit all between words "its people" and words "and the United States".

Article I. "The Government of the United States will, by its good offices, aid the Haitian Government in the proper and efficient development of its agricultural, mineral and commercial resources and in the establishment of the finances of Haiti on a firm and solid basis."

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[7] For. Rel. 1914, p. 349; and, ante, Department's August 12, 1915.

Article II. Article I of original draft to become Article II and to read: "The President of Haiti will appoint, after a previous agreement with the President of the United States regarding such appointments, a General Receiver and such aids and employees as may be necessary, who shall collect" and so on to the semicolon, which is changed to a period. New sentence: "The President of Haiti shall appoint, after a previous agreement with the President of the United States regarding such appointment, a Financial Adviser who shall be an officer attached to the Ministry of Finance. The Financial Adviser shall, etc." same text to "and generally, etc.," which becomes "and make such other recommendations to the Minister of Finance as may be deemed necessary for the welfare and prosperity of Haiti."

Articles II and III original draft accepted.

Article IV original, after the words "Financial Adviser," add: "which salaries will be determined by previous agreement; second, etc."

Article V original, after "employees" add: "and the salary and expenses of the Financial Adviser,".

Articles VI and VII original, same.

Article VIII original, change the words "the assent of" to read: "a previous agreement with".

Article IX original, after "efficient constabulary" add: ", urban and rural, to be"; after "Americans," add: "appointed by the President of Haiti after a previous agreement with the President of the United States. The Haitian Government shall clothe these officers with the proper etc.", to the end of the sentence, followed by this additional sentence: "These officers will be replaced by Haitians as they, by examination conducted under the direction of the senior officer charged with the organization of this constabulary, are found to be qualified to assume such duties." Remainder same.

Article X original, omit words "except to the United States" and "other."

Article XI original, substitute "American" for "foreign". Add as additional sentence: "The Haitian Government agrees to conclude with other foreign Powers, should they so request, arbitration treaties for the settlement of pending claims of their corporations, companies, citizens or subjects against Haiti."

Article XII, substitute words "high contracting parties" in place of "Government of the United States".

Article XIII original, to read: "The high contracting parties shall have authority to take such steps as may be necessary to insure the complete attainment of any of the objects comprehended in this treaty and, should the necessity occur, the United States will lend an efficient aid for the preservation of, etc.", to the end of the article.

Article XIV of the original, same.

Article XV original, in place of "at the request of either party" substitute "if, for specific reasons presented by either of the high contracting parties, the full purpose of this treaty has not been accomplished."

DAVIS.

File No. 838.51/416.

The Secretary of State to Chargé Davis.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, September 11, 1915—3 p. m.

In view of possibility of future misunderstandings as to correct interpretation of treaty provisions growing out of alleged differences of intent between the English and French texts, which, as in the case of the 1907 Convention with Santo Domingo, might result in delays and unnecessary expense and trouble for both Governments, the Department desires you to obtain from President Dartiguenave, through an exchange of personal and informal notes, or by any other desirable means, an undertaking to the effect that in the event of any question arising as to a correct interpretation of any clause of the treaty, the English text shall prevail.

The Department hopes to receive by the first of next week advice of the satisfactory conclusion of the treaty.

LANSING.

File No. 711.38/29.

DEPARTMENT OF STATE,
Washington, September 12, 1915—3 p. m.

Your September 10, 4 p. m. Preamble to treaty submitted by Department August 12, 1915, was prepared in July 1914. As Haitians were familiar with it then, and it but moderately described conditions in Haiti last month, the Department proposed to let that preamble stand as a partial exposition of the necessities for making the convention.

Since Dr. Borno, now Minister for Foreign Affairs, has stated to you that Haitian counterdraft treaty, as submitted in your cable under acknowledgment, was made to concede all demands of the United States in manner less humiliating to Haiti, the Department accepts the Preamble and Article I as drafted by Haitians.

You will not fail to point out to the new Minister for Foreign Affairs that his use of the phrase "United States demands" is not in consonance with the voluntary offers made by those who, after the carnage at Port au Prince in August last, upon seeing the national existence threatened and descending into anarchy, undertook to head a government only after receiving the assurance that the marines would remain on the ground and preserve life and order. The things which the United States considers to be necessary for the rehabilitation of Haiti fall far short of the offers freely made by these Haitians to Admiral Caperton on August 7, 1915. The Department therefore expects that this cable, which reflects a most liberal spirit on the part of this Government to show every possible consideration for Haitian sensibilities, will put an end to questions of further amendment and result in an immediate conclusion of the treaty as herein described.

If the consummation of this treaty does not affect the assurances of the President and Minister of the Interior conveyed in your September 10, 4 p. m., you need not require previous resolution by

Congress, provided the Haitian Government undertakes to enter into modus vivendi as explained in the Department's telegram of August 24, 9 p. m.

Article II of Haitian draft to read as follows: "The President of Haiti shall appoint, upon nomination by the President of the United States, a General Receiver, etc.," to end of sentence. Second sentence to read: "The President of Haiti shall appoint, upon nomination by the President of the United States, a Financial Adviser, who shall be an officer attached to the Ministry of Finance, to give effect to whose proposals and labors the Minister will lend efficient aid." Last sentence Haitian draft this article accepted.

Articles III, IV, V, VI, VII, VIII, and IX of Haitian draft accepted.

Article X of Haitian draft accepted with the following changes: After "Americans" read "appointed by the President of Haiti, upon nomination by the President of the United States." Fourth sentence to read: "These officers will be replaced by Haitians as they, by examination conducted under the direction of a board to be selected by the senior American officer of this constabulary, are found to be qualified to assume such duties."

The Department has no objection to Article XI of Haitian draft, being conscious of the right of the high contracting parties, should they so desire, to enter into a subsequent convention or treaty altering or superseding the provisions of the treaty now to be concluded.

The Department wishes to lay stress upon the importance and advisability of permitting the text of Article XI of the original draft to stand in the place of the text proposed for Article XII of the Haitian draft. The adjustment and liquidation of Haitian debts may not prove feasible if their settlement should be left to as many arbitrations as there may be nationalities of holders. It is self-evident that an arrangement for present loan can only be made through a single plan of adjustment. The Department is unable to perceive how the Government of Haiti can fail to understand the disinterested purpose of the United States in placing itself between the Government of Haiti and the possible excessive demands of all foreign claimants. Original draft this article therefore stands.

Articles XIII, XIV and XV of Haitian draft accepted.

Articles XVI of Haitian draft, after the word "parties," change to read "the purpose of this treaty has not been fully accomplished."

In view of the general acceptance of the modifications proposed by the Haitian Government, this Government repeats its expectations that the treaty will be concluded and ratified without further delay.

LANSING.

File No. 711.38/32.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, September 14, 1915—8 p. m.

Early this morning Haitian Minister for Foreign Affairs called at American Legation and announced Haitian Government ready to

sign the treaty as proposed your telegram September 12, 3 p. m., enter into modus vivendi embodying same terms as treaty, and submit treaty for immediate ratification. My instructions regarding modus vivendi contemplate previous vote same by Haitian Congress. Haitian Minister for Foreign Affairs declares Haitian Government fully empowered to request and enter into such an agreement without previous vote by Haitian Congress.

It is respectfully submitted that this is preferable mode of procedure as under it treaty stipulations will be binding upon Haitian Government from the signature, and this would obviate possible foreign courts unexpectedly blocking operations under same by failure to ratify or to request modus vivendi.

In a conversation with Haitian Minister for Foreign Affairs and Minister of Finance this afternoon they point out that Haitian Government has only about 600,000 gourdes with which to meet running expenses and pay arrears in salaries, etc., which are still owing for fiscal year which ends with this month. Also pointed out necessity for funds for meeting Government expenses until details of operation of the treaty arranged and income realized under its operation.

For reasons above and also desiring to have law which authorized issue of 8,000,000 gourdes, only 3,000,000 of which have been issued, repealed by Haitian Congress, they are most anxious to have an official statement to the effect that the United States will use its good offices to aid Haitian Government in securing immediate temporary loan for these purposes. I stated that in my opinion it would not be difficult to secure such a loan upon ratification of treaty.

Basing calculations on amount already owing and on advances formally made under budgetary convention, Haitian Government will require from $1,000,000 to $1,500,000 in order to liquidate this year's past due debts and to furnish funds for this in future. A statement by United States that it will aid in securing loan for above purposes will be greatly beneficial to Government both in securing ratification and with public generally.

Await your answer as to this and also as to mode of securing modus vivendi.

DAVIS.

File No. 711.38/32.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 15, 1915—5 p. m.

Your September 14, 8 p. m. You may conclude treaty without requiring passage of a resolution by Congress authorizing the President of Haiti to enter into a modus vivendi, provided that modus vivendi be signed simultaneously with the treaty.

Upon ratification of the treaty the United States will lend its good offices to secure such loans as may be necessary. It is thought desirable that a commission with full powers be sent to Washington to negotiate this loan and likewise to arrange all pending differences with the National Bank of Haiti and with the American Railway

Company, to assist in the settlement of which this Government will also lend its friendly good offices.

Meanwhile, upon ratification of the treaty by the Haitian Congress, this Government will take the necessary steps to obtain an advance by the National Bank of Haiti of $100,000 to meet pressing needs.

LANSING.

File No. 838.00/1313.

Chargé Davis to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Port au Prince, September 17, 1915—9 a. m.

Formally recognized Government and signed treaty at 8 o'clock last night. Treaty will be presented to Chambers to-day for ratification. Ratification expected to be had early next week.

DAVIS.

File No. 711.38/34.

The Acting Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 17, 1915—4 p. m.

Information in your September 17, 9 a. m., gratifying. Department hopes there will be no material delay in ratification.

POLK.

File No. 711.38/36.

Chargé Davis to the Secretary of State.

No. 46.] AMERICAN LEGATION,
Port au Prince, September 21, 1915.

SIR: I have the honor to enclose herewith the original and copy of the treaty signed September 16, 1915.

As will be observed, in Article X there is added to the text the phrase: "and in the presence of a representative of the Haitian Government" in the sentence referring to the replacing of the American officers of the constabulary by Haitians. Also, in Article XIII the method of naming the engineer, or engineers, is made to conform with the method of appointment of officials under the other articles.

These changes—the first merely a matter of words, and the second already approved by the Department for all other appointments under the treaty—were made without previous advice from the Department because the shortness of the time before the closing of the session of the Legislature made it necessary to act at once, and also because of their unimportance. I trust the Department will approve.

I have [etc.]

R. B. DAVIS.

[Inclosure.]

Draft of Treaty Between the United States and Haiti Concerning the Finances, Economic Development and Tranquillity of Haiti.

Preamble.

The United States and the Republic of Haiti desiring to confirm and strengthen the amity existing between them by the most cordial coöperation in measures for their common advantage;

And the Republic of Haiti desiring to remedy the present condition of its revenues and finances, to maintain the tranquillity of the Republic, to carry out plans for the economic development and prosperity of the Republic and its people;

And the United States being in full sympathy with all of these aims and objects and desiring to contribute in all proper ways to their accomplishment;

The United States and the Republic of Haiti have resolved to conclude a Convention with these objects in view, and have appointed for that purpose, Plenipotentiaries,

The President of the United States, Robert Beale Davis, Junior, Chargé d'Affaires of the United States;

And the President of the Republic of Haiti, Louis Borno, Secretary of State for Foreign Affairs and Public Instruction, who, having exhibited to each other their respective powers, which are seen to be full in good and true form, have agreed as follows:

Article I

The Government of the United States will, by its good offices, aid the Haitian Government in the proper and efficient development of its agricultural, mineral and commercial resources and in the establishment of the finances of Haiti on a firm and solid basis.

Article II

The President of Haiti shall appoint, upon nomination by the President of the United States, a General Receiver and such aids and employees as may be necessary, who shall collect, receive and apply all customs duties on imports and exports accruing at the several custom houses and ports of entry of the Republic of Haiti.

The President of Haiti shall appoint, upon nomination by the President of the United States, a Financial Adviser, who shall be an officer attached to the Ministry of Finance, to give effect to whose proposals and labors the Minister will lend efficient aid. The Financial Adviser shall devise an adequate system of public accounting, aid in increasing the revenues and adjusting them to the expenses, inquire into the validity of the debts of the Republic, enlighten both Governments with reference to all eventual debts, recommend improved methods of collecting and applying the revenues, and make such other recommendations to the Minister of Finance as may be deemed necessary for the welfare and prosperity of Haiti.

Article III

The Government of the Republic of Haiti will provide by law or appropriate decrees for the payment of all customs duties to the General Receiver, and will extend to the Receivership, and to the Financial Adviser, all needful aid and full protection in the execution of the powers conferred and duties imposed herein; and the United States on its part will extend like aid and protection.

Article IV

Upon the appointment of the Financial Adviser, the Government of the Republic of Haiti, in coöperation with the Financial Adviser, shall collate, classify, arrange and make full statement of all the debts of the Republic, the amounts, character, maturity and condition thereof, and the interest accruing and the sinking fund requisite to their final discharge.

Article V

All sums collected and received by the General Receiver shall be applied, first, to the payment of the salaries and allowances of the General Receiver, his assistants and employees and expenses of the Receivership, including the salary and expenses of the Financial Adviser, which salaries will be determined by previous agreement; second, to the interest and sinking fund of the public debt of the Republic of Haiti; and, third, to the maintenance of the constabulary referred to in Article X, and then the remainder to the Haitian Government for purposes of current expenses.

In making these applications the General Receiver will proceed to pay salaries and allowances monthly and expenses as they arise, and on the first of each calendar month, will set aside in a separate fund the quantum of the collection and receipts of the previous month.

Article VI

The expenses of the Receivership, including salaries and allowances of the General Receiver, his assistants and employees, and the salary and expenses of the Financial Adviser, shall not exceed five per centum of the collections and receipts from customs duties, unless by agreement by the two Governments.

Article VII

The General Receiver shall make monthly reports of all collections, receipts and disbursements to the appropriate officer of the Republic of Haiti and to the Department of State of the United States, which reports shall be open to inspection and verification at all times by the appropriate authorities of each of the said Governments.

Article VIII

The Republic of Haiti shall not increase its public debt except by previous agreement with the President of the United States, and shall not contract any debt or assume any financial obligation unless the ordinary revenues of the Republic available for that purpose, after defraying the expenses of the Government, shall be adequate to pay the interest and provide a sinking fund for the final discharge of such debt.

Article IX

The Republic of Haiti will not without a previous agreement with the President of the United States, modify the customs duties in a manner to reduce the revenues therefrom; and in order that the revenues of the Republic may be adequate to meet the public debt and the expenses of the Government, to preserve tranquillity and to promote material prosperity, the Republic of Haiti will coöperate with the Financial Adviser in his recommendations for improvement in the methods of collecting and disbursing the revenues and for new sources of needed income.

Article X

The Haitian Government obligates itself, for the preservation of domestic peace, the security of individual rights and full observance of the provisions of this treaty, to create without delay an efficient constabulary, urban and rural, composed of native Haitians. This constabulary shall be organized and officered by Americans, appointed by the President of Haiti, upon nomination by the President of the United States. The Haitian Government shall clothe these officers with the proper and necessary authority and uphold them in the performance of their functions. These officers will be replaced by Haitians as they, by examination, conducted under direction of a board to be selected by the senior American officer of this constabulary and in the presence of a representative of the Haitian Government, are found to be qualified to assume such duties. The constabulary herein provided for, shall, under the direction of the Haitian Government, have supervision and control of arms and ammunition, military supplies, and traffic therein, throughout the country. The high contracting parties agree that the stipulations in this Article are necessary to prevent factional strife and disturbances.

Article XI

The Government of Haiti agrees not to surrender any of the territory of the Republic of Haiti by sale, lease, or otherwise, or jurisdiction over such territory, to any foreign government or power, nor to enter into any treaty or contract with any foreign power or powers that will impair or tend to impair the independence of Haiti.

Article XII

The Haitian Government agrees to execute with the United States a protocol for the settlement, by arbitration or otherwise, of all pending pecuniary claims of foreign corporations, companies, citizens or subjects against Haiti.

Article XIII

The Republic of Haiti, being desirous to further the development of its natural resources, agrees to undertake and execute such measures as in the opinion of the high contracting parties may be necessary for the sanitation and public improvement of the Republic, under the supervision and direction of an engineer or engineers, to be appointed by the President of Haiti upon nomination by the President of the United States, and authorized for that purpose by the Government of Haiti.

Article XIV

The high contracting parties shall have authority to take such steps as may be necessary to insure the complete attainment of any of the objects comprehended in this treaty; and, should the necessity occur, the United States will lend an efficient aid for the preservation of Haitian independence and the maintenance of a government adequate for the protection of life, property and individual liberty.

Article XV

The present treaty shall be approved and ratified by the high contracting parties in conformity with their respective laws, and the ratifications thereof shall be exchanged in the City of Washington as soon as may be possible.

Article XVI

The present treaty shall remain in full force and virtue for the term of ten years, to be counted from the day of exchange of ratifications, and further for another term of ten years if, for specific reasons presented by either of the high contracting parties, the purpose of this treaty has not been fully accomplished.

In faith whereof, the respective Plenipotentiaries have signed the present Convention in duplicate, in the English and French languages, and have thereunto affixed their seals.

Done at Port-au-Prince, Haiti, the 16th day of Sepetember in the year of our Lord one thousand nine hundred and fifteen.

ROBERT BEALE DAVIS, Jr [SEAL.]
Chargé d'Affaires of the United States
LOUIS BORNO [SEAL.]
Secrétaire d'Etat des Relations Exterieures et de l'Instruction Publique

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File No. 711.38/35a.

The Acting Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 24, 1915—7 p. m.

Report present status of treaty. Early favorable action by Congress much to be desired.

POLK.

File No. 711.38/35.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, September 25, 1915—3 p. m.

Your September 24, 7 p. m. House committee will present on Monday or Tuesday a unanimous report in favor of treaty and the House is expected to give large majority vote. Then it will go before the Senate. I have just had a conference with Minister for Foreign Affairs as to the action of that body and he and the President believe it will be voted. However, there will be opposition in the Senate due to the desire of certain members with presidential aspirations to see present Government fall, also to influence of certain foreigners here who are attempting to block treaty through the Senate.

President is determined to reach an agreement with the United States and, in my opinion, should he find Senate will not ratify the convention, he will go to the length of dissolving Congress, calling constitutional convention to modify Constitution and to vote treaty; and in the meantime the Government, there being no legislative body in session, will enter into modus vivendi; all of this, of course, provided that the United States continues its support.

Although I do not think this eventuality will arise, I would like to have instructions regarding the same in advance. I respectfully submit that in the light of conditions here, should the Senate's unwillingness to ratify force such action, it would be to the best interests of both the United States and Haiti for the United States Government to support Dartiguenave.

DAVIS.

File No. 711.38/35.

The Acting Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 27, 1915—8 p. m.

Your September 25, 3 p. m. Past telegraphic instructions should have made perfectly clear purpose of this Government to support duly constituted authorities, all the more so since the recognition of the present Government by the United States.

To prevent ill-advised legislators from seeking to produce a situation out of which one of their number may hope to ascend to the presidency, you should, if the fears expressed in your September 25, 3 p. m., seem likely of realization, opportunely let it be known that this Government will not countenance efforts, either direct or indirect, to overthrow Dartiguenave administration, to support which the United States purposes to lend all proper aid so long as that administration shall adopt the steps necessary to give to Haiti peace and prosperity.

Every effort should be made to obtain ratification promptly by Congress now in session as the Department would view with regret course forecast in your telegram under reference.

Cooperate with Admiral Caperton to the end that purpose of our policy be clearly understood.

POLK.

File No. 711.38/38.

Chargé Davis to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, October 6, 1915—4 p. m.

Chamber of Deputies voted ratification this afternoon 75 to 6.

DAVIS.

File No. 711.38/39.

AMERICAN LEGATION,
Port au Prince, October 12, 1915—noon.

Treaty now being considered by the Senate committee whose report is expected late this week.

DAVIS.

File No. 711.38/40.

AMERICAN LEGATION,
Port au Prince, October 14, 1915—2 p. m.

I was informed today by Haitian Minister for Foreign Affairs that the Senate committee had expressed a desire to have treaty negotiations reopened. I informed him that this was impossible and that, in view of the time already elapsed and concessions already made, the Government of the United States would expect definite action on the treaty as signed within the next few days. This communication is entirely in accord with wishes of the Haitian Government, which wishes to force Senate committee to report even if unfavorably as they believe the Senate as a whole will vote ratification irrespective of committee report.

DAVIS.

File No. 711.38/40.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 15, 1915—4 p. m.

Your October 14, 2 p. m. The Department approves your action and confidently expects Haitian Government to make every effort to obtain favorable vote of Senate without delay.

LANSING.

File No. 711.38/42.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, October 22, 1915—11 a. m.

I have just returned from an interview with the President and Cabinet and the President of the Senate. The latter gave positive assurances that the committee would submit its report on October 26.

On account of dilatory tactics of the committee the Government decided yesterday to force action today. A communication from the Government to the Senate was prepared charging the committee with bad faith and conspiracy to defeat ratification and demanding that a report be submitted. After the assurance of the President of the Senate it was thought wiser to withhold the letter until Tuesday, when if the report is not submitted it will be used.

DAVIS.

File No. 711.38/63.

Chargé Davis to the Secretary of State.

[Extract.]

No. 49.] AMERICAN LEGATION,
Port au Prince, October 25, 1915.

SIR: Referring to the matter of treaty negotiations between this Legation and the Haitian Government, I have the honor to make the following report:

* * * On September 20, 1915, four days after the signing of the treaty, I received a letter, apparently originally dated on that day but redated September 16, 1915, copy and translation of which are herewith enclosed, * * *. Inasmuch as this letter was written and received subsequent to negotiation and signing of treaty and could therefore have no bearing or effect upon the same, I replied stating that, as to Article 6, in my opinion the interpretation placed thereon by the Haitian Government was correct; as to Article 9, I stated that I felt sure the United States would cooperate with the Haitian Government in such proper reduction of customs duties as did not infringe upon the terms of the treaty; as to Article 2, I declined to express any opinion as to the proper interpretation thereof; as to Article 14, I informed the Haitian Government that the Government of the United States had informed me that it considered it its duty to sustain a constitutional government and aid the people of Haiti in maintaining domestic peace throughout the country. Copy of this letter is herewith enclosed.

At practically all of the interviews above referred to, I was accompanied by Lieutenant E. G. Oberlin, U. S. N., who as Aide to Rear Admiral W. B. Caperton, U. S. N., and his personal representative ashore, not only performed his duties as such, but by reason of his knowledge of the French language and Latin temperament, was of the greatest assistance to this Legation during the period of treaty negotiations. Lieutenant Oberlin was indefatigable and his efforts in behalf of securing the signing of the treaty materially aided in the attainment of that result.

I have [etc.]

R. B. DAVIS.

[Inclosure 1—Translation.]

The Minister for Foreign Affairs to Chargé Davis.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
Port au Prince, September 16, 1915.

MR. CHARGÉ D'AFFAIRES: The result of our conference of yesterday held at the Department of Foreign Affairs, is that the Haitian Government accepts

the principle that, in case there should arise any difference whatsoever relative to the correct interpretation of a clause of the convention agreed upon between us, the interpretation based upon the English text shall prevail between the parties.

I have, however, with the design of avoiding for the future any discord on the important points, to call your attention to the interpretation that the Haitian Government gives, first, to the words of Article 6, "shall not exceed five per centum." The Government understands that the expenses and allowances foreseen may necessarily reach five per centum; that is the maximum; in fact, it may be that they remain below five per centum. Second, to the words "collect, receive and apply" of Article 2, 1st paragraph. The Government understands that by these words is meant a service of receipts (collect and receive) and of payment (apply, see Article 5). The Receiver General and the aides and employees, who shall be named by the President of Haiti upon the nomination of the President of the United States, form a service for the collection of all the customs duties, an office distinct from the customs service, properly speaking, which consists in the storage, examination and taxation of the merchandise in conformity with the tariff. Consequently, the Haitian employees of the customs service shall hold their commissions exclusively from the President of Haiti; but the latter, however, in accordance with the idea of efficacious aid of the President of the United States, will make the appointments in the customs only in accord with the Receiver General who, on his part, shall have the right to delegate in the customs such aides and employees of his office as it may please him to choose, to control the customs operations.

Please accept [etc.]

LOUIS BORNO.

[Inclosure 2.]

Chargé Davis to the Minister for Foreign Affairs.

AMERICAN LEGATION,
Port au Prince, September 20, 1915.

EXCELLENCY: In reply to your note received this morning, I beg to express my pleasure at seeing that the Haitian Government accepts the principle that, should any future misunderstanding arise as to the correct interpretation of treaty provisions, growing out of alleged differences of intent between the English and French texts, the English shall prevail.

Regarding the meaning of Article 6, I beg to state that in my opinion your excellency's construction is the correct one.

As to Article 9, I am sure that your excellency's Government will find the United States Government disposed to coöperate in any proper reduction of customs duties which does not infringe upon the terms of the treaty.

Regarding Article 2 of the treaty, I am unable, at this time, to agree to any construction. My Government has expressed its willingness, after the treaty has been ratified and a modus vivendi entered into, to receive at Washington a commission of Haitians, with full powers, to consider the details of the operation of the treaty and generally to undertake a comprehensive readjustment of the finances and other matters tending to reëstablish quickly normal conditions in Haiti. Therefore, the construction of this article, which necessarily entails a decision as to all working details, is a matter for discussion by the commission, and I therefore can admit of no construction which might possibly restrict the commission in its work of arranging the details of the operation of the treaty.

Regarding Article 14, I beg to draw your excellency's attention to the words "will lend an efficient aid". This undertaking by the United States Government naturally implies the lending of its armed force should internal strife or uprising endanger the existence of the Government, and my Government has further officially informed me that the United States considers it its duty to support a constitutional government and aid the people of Haiti in maintaining domestic peace throughout the country.

Please accept [etc.]

R. B. DAVIS.

File No. 711.38/44.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, October 26, 1915—4 p. m.

Senate committee has completed its report but the secretary did not finish making copy of the same in time for presentation at today's session. It is believed that it will recommend certain changes but the Government is indifferent to the nature of recommendations as it has a majority in the Senate in favor of ratification of the treaty as submitted.

Referring to the Legation's No. 47.[8] My physical condition has become so much worse since that time that on advice of doctor I am compelled to request permission return to the United States by the next boat; otherwise I am in constant danger of recurrence of blood poisoning of which I have already suffered two attacks. I have now done all that I can to assure ratification of the treaty and am confident that steps already taken will bring about that result in the near future. Also I have secured formal assurance from the Haitian Government that modus vivendi will be entered into immediately after ratification. Lieutenant Oberlin is fully conversant with all negotiations since the election of the President and his advice and services could no doubt be available for whoever may be temporarily in charge of the Legation. Therefore I do not see that my absence under these circumstances can endanger successful conclusion.

DAVIS.

File No 711.38/45.

The Secretary of State to Lieut. Oberlin, in Charge of Legation.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 4, 1915—4 p. m.

Department is becoming apprehensive lest elements lobbying at Port au Prince may defeat ratification of treaty. If ratification is not concluded by end of this week, interview President Dartiguenave, then cable his explanation of causes for delay and your recommendations regarding steps to be taken to secure ratification.

LANSING.

File No. 711.38/48.

Lieutenant Oberlin in Charge of Legation to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, November 5, 1915—4 p. m.

Senate committee presented report today. I am informed that report accepts principles of treaty but recommends modifications regarding Financial Adviser. The Haitian Government unofficially

[8] Not printed.

requested that on publishing of committee report, this Legation address a communication to the Haitian Government stating that the Government of the United States cannot consider any further modifications of the treaty, again assuring me that they control the Senate majority and desire treaty to stand as signed.

OBERLIN.

File No. 711.38/49a.

The Secretary of State to Lieutenant Oberlin, in Charge of Legation.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, November 5, 1915—6 p. m.

The Department is reliably informed that certain of the Haitian Senators, inspired by lobbyists who seek to defeat the ratification of the treaty for purely personal ends, are endeavoring to prevent action by the Haitian Senate until after the United States Senate shall meet, prior to which time it is a part of their plan to send deputations to this country to conduct a lobby here in the hope of producing a political situation in this country which will result in the withdrawal of the American marines from Haiti. In these circumstances the Department suggests that it might not be amiss for President Dartiguenave to call in his Senators, and one by one to question them directly regarding their connection with such a plan. Cable result of his investigation. Also press for immediate ratification.

LANSING.

File No. 711.38/48.

DEPARTMENT OF STATE,
Washington, November 8, 1915—5 p. m.

The Department regrets that the Senate committee failed to recommend ratification of the treaty as signed and that it has proposed certain modifications regarding the Financial Adviser, particularly in view of the manifest desire of the people of Haiti that the treaty be ratified without delay, so as to secure, with the assistance of the United States, conditions of peace and prosperity. Inasmuch as President Dartiguenave is assured of a majority in favor of ratification without modification, it would seem as if the time had come to press for a vote by the Senate.

As to President Dartiguenave's suggestion regarding a note, which it is presumed he requires to increase majority vote in the Senate, the Department believes that the ends sought by the President might be obtained by the Haitian Government transmitting to the Legation a copy of the committee's report when published, and inquiring whether this Government would be prepared to entertain the proposed modifications; to which the Legation should answer to the effect that this Government earnestly believed that the interests of Haiti would best be served by the prompt ratification of the treaty as signed, and that this Government counted upon the earnest effort of the Government of Haiti to obtain favorable action by the Senate.

LANSING.

File No. 838.00/1370.

The Secretary of the Navy to Admiral Caperton.

NAVY DEPARTMENT,
Washington, November 10, 1915.

23109. Arrange with President Dartiguenave that he call a Cabinet meeting before the session of Senate which will pass upon ratification of treaty and request that you be permitted to appear before that meeting to make a statement to President and to members of Cabinet. On your own authority state the following before these officers:

I have the honor to inform the President of Haiti and the members of his Cabinet that I am personally gratified that public sentiment continues favorable to the treaty, that there is a strong demand from all classes for immediate ratification, and that treaty will be ratified Thursday.

I am sure that you, gentlemen, will understand my sentiment in this matter and I am confident if the treaty fails of ratification that my Government has the intention to retain control in Haiti until the desired end is accomplished and that it will forthwith proceed to the complete pacification of Haiti so as to insure internal tranquility necessary to such development of the country and its industry as will afford relief to the starving populace now unemployed. Meanwhile the present Government will be supported in the effort to secure stable conditions and lasting peace in Haiti whereas those offering opposition can only expect such treatment as their conduct merits.

The United States Government is particularly anxious for immediate ratification by the present Senate of this treaty, which was drawn up with the full intention of employing as many Haitians as possible to aid in giving effect to its provisions, so that suffering may be relieved at the earliest possible date.

Rumors of bribery to defeat the treaty are rife but are not believed. However, should they prove true those who accept or give bribes will be vigorously prosecuted.

It is expected that you will be able to make this sufficiently clear to remove all opposition and to secure immediate ratification.

DANIELS.

File No. 711.38/53.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, November 12, 1915—10 a. m.

The Haitian Senate ratified the treaty last night. The vote was, in favor 25, against 9, chairman of the Senate committee not voting. I am informed by the Minister for Foreign Affairs that the Haitian Government will submit for signature in a few days a modus vivendi embodying the terms of the treaty and that the appointment of the commission to proceed to Washington is now being considered.

BLANCHARD.

File No. 711.38/44.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 12, 1915—6 p. m.

In conformity with the assurance given by the Minister for Foreign Affairs, as reported in Legation's telegrams of September 14, 8 p. m.,

and October 26, 4 p. m., the Department awaits the Haitian Government's invitation to enter into modus vivendi. You are instructed to accept invitation and enter into modus vivendi forthwith.

LANSING.

File No. 838.00/1370.

Admiral Caperton to the Secretary of the Navy.

PORT AU PRINCE, *November 15, 1915.*

There is attached, hereto, a proclamation issued by the President of Haiti relative to the treaty.

W. B. CAPERTON.

[Inclosure—Translation—Extract.]

ADDRESS TO THE PEOPLE.

Fellow Citizens:

At the meeting of November 11 the Senate of the Republic sanctioned the Haitian-American Convention. This event, the most important in our national history, is the foundation of Haitian independence, of the solemn consecration of the new era of progress for the nation after the days of the 27th and 28th July, which days we can not think of without a shudder of horror.

If you will consider the vote of the convention for its merits and patriotism, you will render with me legitimate homage to the honorable members of the Legislative Corps who have shown once more their sense of duty in the face of a situation exceptionally grave for this unhappy country. They have come together in large numbers to open finally the road of material and thorough evolution which has always been their object. Honor, therefore, to the saviors of the country's glory for their act of which the magnanimity is only equalled by its heroism, [worthy] to have the right to the benediction of our posterity. * * *

Without entering into a discussion of facts anterior to the coming of the Americans, remember that in a moment of our supreme despair the powerful and generous nation of North America saw our unhappiness, took pity on us and came in the name of humanity and universal fraternity to offer us the hand of friendship and of succor. Was it necessary to repel, even under a disguised form, as several people of the type of many of my predecessors seem to think, this friendly aid?

Being persuaded of the loyalty of the Government of the United States and convinced that its people, who by means of their works have become so great as to become our ideal, desire fully to guide us in the route which centuries of civilization have made, which we, unhappy slaves of false reasoning brought about by jealous prejudices, have never tried to find, I have not a second of hesitation.

I wish here to thank cordially my official collaborators whose experience, wisdom and inperturbable conviction, together with their ardent faith and their devotion, have been the strong aid to my firm resolution.

You have not been strangers to the struggle brought about by diversity of opinion whereby people opposed to the convention struggled against the Government to prevent its acceptance. We have defended it foot by foot and have guaranteed its various clauses in order to overcome the imminent peril with which lack of reflection and blindness was liable to threaten our national sovereignty. And who can deny that the formal refusal to accept the convention would have been the destruction of our independence? * * * In the future the people will see that we have done the best thing and that we have acted for love of country. * * *

Therefore fellow citizens, let us wish success to ourselves and glory for the world of civilization. I repeat that the new era has begun but the fruits of our labors demand that you repudiate forever the past shame, the nefarious past which has made a blot upon the immortal names of our ancestors. * * *

Having thought well over this convention and with firm realization of the future join in crying: Long live Peace and Union, long live Work, long live Regenerated Haiti!

DARTIGUENAVE.

File No. 711.38/54.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, November 29, 1915—6 p. m.

Having received the invitation of the Haitian Government to enter into modus vivendi, I accepted, stating my readiness to enter into modus vivendi embodyng the same terms as the treaty. After numerous conferences the following modus vivendi was agreed upon and in accordance with your instructions was signed today at 6 p. m.

[Here follows the modus vivendi, identical with the inclosures with Mr. Blanchard's No. 51 of December 6; see post.]

BLANCHARD.

File No. 711.38/54.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 30, 1915—5 p. m.

Your November 29, 6 p. m. Satisfactory conclusion of this matter is very gratifying to the Department.

LANSING.

File No. 711.38/61.

Minister Blanchard to the Secretary of State.

No. 51.] AMERICAN LEGATION,
Port au Prince, December 6, 1915.

SIR: Referring to my November 29, 6 p. m., I have the honor to enclose herewith the original and copy of the modus vivendi signed on that date.

I have [etc.]

A. BAILLY BLANCHARD.

[Inclosure.]

MODUS VIVENDI.

Considering that, pending the exchange of ratifications of the Treaty of September 16, 1915, it is essential that a provisional arrangement be entered into between the two Governments with a view to guarantee the working of the administrative services, the repression of disorder and the maintenance of public peace:

The following Modus Vivendi has been agreed upon between the Government of the United States of America and the Haitian Government, represented respectively by Arthur Bailly-Blanchard, Envoy Extraordinary and Minister Plenipotentiary, and Louis Borno, Secretary of State for Foreign Affairs.

The treaty signed September 16, 1915, between the United States and the Republic of Haiti, and ratified by the Haitian Chamber of Deputies on October 6, 1915, and by the Haitian Senate on November 11, 1915, shall go provisionally into full force and effect from this date and shall be operated thereunder [9] until the Senate of the United States has acted upon the Treaty, under reserve of the

[9] So in the signed original; the French text reads "et sera en application."

details of the operation of the Treaty to be arranged at Washington between the Department of State and the Haitian Commission appointed for that purpose.

Signed and sealed in duplicate, in the English and French languages, at Port au Prince, Haiti, the twenty-ninth day of November, 1915, by the aforesaid Representatives on behalf of their respective Governments.

A. Bailly-Blanchard.
Louis Borno.

POLITICAL AFFAIRS—REVOLUTIONARY MOVEMENTS. ESCAPE OF PRESIDENT THEODORE. ELECTION OF PRESIDENT VILBRUN GUILLAUME SAM. COMMISSION SENT TO HAITI BY THE UNITED STATES TO COMPOSE DIFFICULTIES. MURDER OF PRESIDENT GUILLAUME. LANDING OF AMERICAN MARINES AND PACIFICATION OF HAITI BY AMERICAN FORCES. ELECTION OF PRESIDENT SUDRE DARTIGUENAVE. RECOGNITION OF HIS GOVERNMENT BY THE UNITED STATES.[10]

File No. 838.00/1080.

The Secretary of State to Minister Blanchard.

[Telegram.]

Department of State,
Washington, January 16, 1915.

Following telegram dated today from Consul, Cape Haitien, repeated for your information:

Cannon of alarm announcing adhesion to revolution fired in Cape this morning. Delegate requested consuls to use their influence for preservation of order and for peaceful entry of revolutionary forces, now near city. Consular Corps in written communication request me to ask presence of warship to protect foreign interests.

The Navy Department has ordered the cruiser *Washington* to proceed immediately to Cape Haitien for the protection of Americans and other foreigners. *Washington* due to reach Cape Haitien January 20.

Bryan.

File No. 838.00/1084.

Minister Sullivan to the Secretary of State.

[Telegram.]

American Legation,
Santo Domingo, January 18, 1915.

I am informed by Receivership that Dominicans under Julio Castillo are supporting Haitian revolution. Have informed Dominican Government and am promised speedy action to prevent this activity.

Sullivan.

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[10] Continued from For. Rel. 1914, pp. 334–382.

File No. 838.00/1081.

Consul Livingston to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Cape Haitien, January 18, 1915.

Revolutionary army 1,000 strong under Metellus just entered town. Insurgents of Artibonite accept Vilbrun Guillaume as candidate presidency.

LIVINGSTON.

File No. 838.00/1085.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, January 20, 1915.

Consul at Gonaives reports that Saint Michel, Ennery, Limbe, Plaisance and other surrounding places have taken up arms against the Government. It is reported that Vilbrun Guillaume has proclaimed himself chief of the disaffections at Cape Haitien.

BLANCHARD.

File No. 838.00/1097.

AMERICAN LEGATION.
Port au Prince, January 26, 1915.

Foreign office notifies to-day that by a decree dated 22, ports of Port de Paix, Cape Haitien and Gonaives are blockaded and closed to foreign commerce. At present it is a paper blockade as all Haitian war vessels at Port au Prince are without coal.

BLANCHARD.

File No. 838.00/1103.

Consul Livingston to the Secretary of State.

No. 240.] AMERICAN CONSULATE,
Cape Haitien, January 27, 1915.

SIR: I have the honor to report that the extraordinary revolution in the northern part of Haiti, which, indeed, was only the continuation in arms of the leading federals of the old Zamor party, joined by an almost unanimous defection from the ranks of the Theodore party, is now nearing its close. The unusual feature is that there has been practically no fighting at all. Not a single shot has been fired at Cape Haitien or anywhere in the neighborhood. The fusion of the two parties mentioned, reinforced by practically all the neutral elements, is so close and intimate that no opposition to the movement has so far been made or is expected to be made anywhere throughout the three departments of the North, the Northwest and the Artibonite.

The reasons for this singular state of affairs are not far to seek. The old Zamor party held many of the important strongholds, which

they refused to surrender to the new Government of Davilmar Theodore, and this chief was in such haste to have himself installed as president that he hesitated to risk a further effort to continue the work of subjugation. The generals of this party in other parts remained under arms to cooperate with those holding the forts.

When President Theodore was elected, his followers flocked to Port au Prince expecting to reap the rewards of ten months of struggle and hardships. The President found himself in a position where he was unable to satisfy the demands of his friends and had to suffer the consequences. As the revolution, like most of its predecessors, was made for mŏney and nothing but money, the ignorant followers of the President became much incensed, refusing to believe that the head of a government was unable to find the means of meeting obligations toward those who had put him in power. His failure to supply their demands was attributed to his cupidity and lack of good faith, and he immediately became the most unpopular man in Haiti.

The opposition centered around General Vilbrun Guillaume Sam, and up to the present date all the generals commanding troops in the three departments mentioned have communicated with him by letter or by delegation declaring their adhesion to the revolution and acceptance of his candidacy for the presidency.

General Metellus, the famous Caco general, who has been often referred to in despatches from this Consulate, came into Cape Haitien on Saturday morning the 16th instant with a thousand men and has remained here since that date to accompany General Guillaume to Port au Prince. Although he has heretofore been considered a savage and the terror of the surrounding country, not a single act of disorder has been committed here by him or his troops since his arrival, and the general conduct has been such that the situation has more the appearance of a great holiday than of a revolution. There is the utmost order, tranquility and respect both of foreign and native interests.

General Guillaume was awaiting the arrival of General Constantin Vieux from Fort Liberté in order to set out on his march in the direction of Port au Prince. General Vieux arrived yesterday morning and the departure has been fixed for to-morrow, 28th.

Vilbrun Guillaume Sam is now considered as the future President of Haiti. In fact, it is believed here that he will march to Port au Prince without any opposition and that the Government of Theodore will fall without the firing of a single shot.

I am [etc.]

LIVINGSTON.

File No. 838.00/1107.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, February 8, 1915—5 p. m.

My January 26, 5 p. m. Haitian gunboat *Pacifique* at Gonaives to enforce blockade.

BLANCHARD.

File No. 838.00/1115.

AMERICAN LEGATION,
Port au Prince, February 19, 1915.

Saint Marc in the hands of Guillaume revolutionists 3,000 strong. Monplaisir, Minister of the Interior, killed there yesterday. Petionville, 3 miles outside of Port au Prince, in the hands of revolutionists reported to be partisans Charles Zamor. Jacmel in arms and General Hilaire, ex-commandant of arrondissement, proclaimed as chief of the revolutionary forces there. Has issued proclamation appointing ministers of revolutionary government. Here, great anxiety as to probable attack revolutionists. Preparations are being made to defend city. Numerous armed men in the streets. Food supply from the interior practically cut off and markets deserted. Water supply for the lower part of the town cut off by revolutionists at Petionville. Currently reported President contemplating resignation.

BLANCHARD.

File No. 838.00/1116a.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 20, 1915—3 p. m.

Encouraged by the work of the Commission in Santo Domingo, the President has decided to make a similar attempt to secure a satisfactory settlement of the difficulties in Haiti. Ex-Governor Fort of New Jersey and Charles Cogswell Smith of New Hampshire will leave here on the 27th via Santiago, Cuba, for Haiti. Governor Fort will bring full instructions with him. This information is given that you may make such arrangements for their coming as may be necessary. In order that the President may be as fully informed as possible before preparing final instructions will you please cable information on the following points:

First: Was Theodore regularly elected by the Legislature? If so was he elected for a full term or for the remainder of term partially expired? If latter how much time remains before the next election?

Second: When will the Legislature be elected again and what are the qualifications for suffrage? How large a vote is usually polled at the regular elections?

Third: What is the general disposition of the Legislature? Was it coerced into the selection of Theodore after his successful insurrection or was he really the choice of the members? Do a majority of the members now support him voluntarily, and is there a likelihood of their supporting any other successful revolutionists?

Fourth: What is the status of the revolution in that country now and what is the prospect of its success or of its suppression?

Fifth: Are there any economic questions involved in the insurrection, or is it purely personal and due to the ambition and popularity of the leaders?

You may add information on any other question which you regard as important for the President to know.

BRYAN.

File No. 838.00/1116.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, February 22, 1915.

The city has been practically without food and with no water for the past three days and revolutionists having stopped all incoming foodstuffs and cut off the entire water supply, a condition which they declared would continue as long as President Theodore remained in office. This along with the fact that the city is surrounded by revolutionists determined him to leave at once and at midday he boarded the southbound Dutch vessel now in port. He was escorted through the streets by a mounted guard amid little excitement. Order prevailed. The revolutionary army of Vilbrun Guillaume is expected to arrive Port au Prince tomorrow. Except for desultory firing the city is quiet. There has been considerable firing during the past two nights as is customary here when a change in government is imminent. So far order is being maintained.

BLANCHARD.

File No. 838.00/1118.

AMERICAN LEGATION,
Port au Prince, February 24, 1915—10 a. m.

My February 19 and February 22. General Hilaire and all other revolutionary chiefs have recognized Vilbrun Guillaume Sam as Chief of the Executive Power. Part of his army entered Port au Prince yesterday and returned to outskirts of city. Generals Augustin and Milford in command of arrondissement and palace. Order being perfectly maintained. Water restored and market supplies coming in. President Theodore sailed for Curaçao Monday; Vilbrun Guillaume Sam due to arrive to-morrow. City quiet.

BLANCHARD.

File No. 838.00/1119.

AMERICAN LEGATION,
Port au Prince, February 24, 1915—6 p. m.

Your cable February 20, 3 p. m., not entirely clear; but to avoid delay pending complete repetition hereby requested, following answers are submitted:

First. Theodore was regularly elected President according to the Constitution of Haiti by the Senate and House in joint session for a full term of 7 years. See my telegram of November 7 [11] and November 13, 3 p. m.[11]

Second. The term of the present [Chamber of Deputies?] expires the end of 1916. Senators are elected by the [Chamber of Deputies?] for a term of 6 years and renewed by the session every 2 years.

Members of Chamber of Deputies elected by the people.

For detailed information see American Constitutions, edition 1905, volume 2, page 59, and following paragraph. The candidates elected as a rule are the candidates of the Government.

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[11] For. Rel. 1914, p. 359.

Third. The Legislature was not coerced into the election of Theodore, who received the entire vote.

The proclaiming of a successful revolutionary leader as Chief of the Executive Power is tantamount to his election as President. Upon his entrance in the capital the Chambers are convoked and he is invariably elected.

Fourth. The revolution is successful. All revolutionary leaders have declared allegiance to Vilbrun Guillaume Sam, who is expected to arrive Port au Prince tomorrow, 25th. Chambers convoked yesterday in extra session and according to all precedents will elect him for the term of 7 years.

Fifth. The overthrow of the Theodore Government was due in part to personal ambition of Vilbrun Guillaume Sam and to the fact that the Government being without funds and unable to secure any the troops received no pay, as had been promised after his election, for 10 months campaign and they therefore returned to the North and joined the revolution; also economic conditions here due to European war and internal unrest resulting in business stagnation and creating a poverty-stricken condition throughout the country. Further, Theodore surrounded himself with members of the former Simon Government the most unpopular faction in Haiti which contributed to a great degree to his downfall.

BLANCHARD.

File No. 838.00/1120.

AMERICAN LEGATION,
Port au Prince, February 25, 1915.

Vilbrun Guillaume Sam entered Port au Prince this morning at 9, escorted by about 300 mounted troops. His army of about 3000 had preceded him into the city. Presidential salutes fired from forts. Perfect order maintained.

BLANCHARD.

File No. 838.00/1122.

AMERICAN LEGATION,
Port au Prince, February 27, 1915—noon.

Replying to your February 20, 3 p. m., point 2: qualifications for suffrage. All citizens 21 years of age who are not debarred by provisions of Article 11, chapter 2, Haitian Constitution.

Elections as understood in America do not exist in Haiti. Elections being simply a continuation of military system under which the country is governed. The population generally takes no part in elections, the voting being done by soldiers acting under instructions. Few voters who vote many times.

No data obtainable as to causes contributing to downfall of the Theodore Government.

BLANCHARD.

File No. 838.00/1119

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 27, 1915—2 p. m.

Have laid your telegrams before the President. He believes that under the circumstances it is wise for the Commission to come to

Haiti at once. You will be a member of the Commission and act with Governor Fort and Mr. Smith in carrying out the instructions which are sent by Governor Fort. They will leave Santiago de Cuba about March 3. Can you arrange for Consul Livingston of Cape Haitien to be at Port au Prince when Governor Fort arrives? You may ask one of our boats to bring him if he can not reach there by regular boat. Please keep us informed of the situation as it develops there.

BRYAN.

File No. 838.00/1124.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, March 1, 1915—9 p. m.

Your February 27, 2 p. m. Have arranged with Admiral Caperton that *Wheeling* be at Cape Haitien on March 3 to bring Consul Livingston Port au Prince. No means communication with Livingston. Please advise him at once to be ready.

BLANCHARD.

File No. 838.00/1124.

The Secretary of State to Consul Livingston.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 1, 1915.

U. S. S. *Wheeling* will arrive Cape Haitien Wednesday morning, March 3, to take you Port au Prince. Be ready when vessel arrives.

BRYAN.

File No. 838.00/1126.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port-au-Prince, March 3, 1915.

My February 27, noon. Dutch steamer which arrived yesterday brought about fifteen Deputies from the south, giving House a quorum. Senate still awaiting arrival of at least 2 Senators for majority for presidential electoral college.

BLANCHARD.

File No. 838.00/1130.

AMERICAN LEGATION,
Port au Prince, March 4, 1915.

Vilbrun Guillaume Sam regularly and constitutionally elected at noon President of Haiti.

BLANCHARD.

File No. 838.00/1131.

AMERICAN LEGATION,
Port-au-Prince, March 5, 1915.

Governor Fort and Mr. Smith arrived at Port-au-Prince at 11 this morning. Consul Livingston arrived yesterday morning.

BLANCHARD.

File No. 838.00/1137.

AMERICAN LEGATION,
Port-au-Prince, March 9, 1915—2 p. m.

Called informally yesterday afternoon on Acting Minister for Foreign Affairs to introduce Commission before ceremonies of today which I attended with members of the Commission and staff of Legation. The President took oath outside office at 10 then attended a Te Deum at the cathedral after which he held a reception in the barracks where he still resides. The Commission is to be received tomorrow morning by the new Minister of Foreign Affairs who is now arranging an early audience with the President.

BLANCHARD.

File No. 838.00/1136.

Special Commissioner Fort to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port-au-Prince, March 9, 1915—11 p. m.

Vilbrun Guillaume Sam inaugurated today. Commission attended. Have official interview tomorrow. Situation looks encouraging for quick results.

FORT.

File No. 838.00/1140.

AMERICAN LEGATION,
Port au Prince, March 12, 1915—5 p. m.

Commission has full possession of facts as to situation. Longer stay or further efforts would not accomplish more.

FORT.

File No. 838.00/1142.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, March 15, 1915.

Commission left here on the *Nashville* this morning for Santiago de Cuba.

BLANCHARD.

File No. 838.00/1143.

AMERICAN LEGATION,
Port au Prince, March 16, 1915.

Oreste Zamor, ex-President of the Republic, landed in Dominican Republic, crossed the frontier and went to Hinche, his residence, where he was arrested and brought to Port au Prince on Saturday. His arrival here created much excitement. He was taken to the

Palace and from there to prison where he is now awaiting trial for entering country without passport and before issue of decree of amnesty.

Upon the alleged discovery of a vast Zamor conspiracy a number of supporters of that Government have been arrested and others have taken refuge in legations and consulates.

Disbanding of the revolutionary army is now taking place. A number have already been paid off, disarmed and sent to their homes. Perfect order prevails here. Cable repaired and service resumed.

BLANCHARD.

File No. 838.00/1145½.

AMERICAN LEGATION,
Port au Prince, March 25, 1915.

Vilbrun Guillaume Sam Government was recognized by Germany and Italy yesterday. French Minister has recommended recognition to his Government. In view of the above, which modifies conditions existing at the departure of Commission, it would seem now even more advisable to recognize the present Haitian Government than it was under the conditions when this matter was discussed by Commission and recognition by the United States dependent on agreement by Haitian Government to Articles 4 and 5 of your November 12, 2 p. m., and added Article of your November 16, 11 a. m.[12] seems to be mode of procedure best calculated under these circumstances to favorably dispose this Government towards a settlement of matters embraced in Articles 1, 2 and 3 of your November 12, 2 p. m., as to which negotiations could be had after recognition. I therefore respectfully submit to the favorable consideration of the Department recognition of present Haitian Government upon: First, the signing of a protocol for the settlement by arbitration of pending claims of American citizens against Haiti in which [if deemed advisable?] might be included Article 2 of your November 12, 2 p. m. Second, a written agreement embracing Articles 4 and 5 thereof.

BLANCHARD.

File No. 838.00/1149.

AMERICAN LEGATION,
Port au Prince, March 25, 1915.

My March 19, 11 a. m. France recognized Guillaume Government yesterday.

BLANCHARD.

File No. 838.00/1154.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, March 28, 1915.

Bobo, ex-Minister of the Interior of Haiti, has issued revolutionary call to the Haitians from Monte Christi, where he makes headquarters. He makes attack on proposed American control of customs in Haiti. He is secretly supported by Arias, Dominican Minister of

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[12] For. Rel. 1914, pp. 359 and 360, respectively.

War. Manifesto issued has tendency to create bad feeling against Americans both in Dominican Republic and Haiti. I have informally called President Jiménes' ottention to Bobo's conduct. President has commanded Bobo to leave Monte Christi at once.

SULLIVAN.

File No. 838.00/1154.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Santo Domingo, April 1, 1915.

Your March 28. You will support the President in his determination to prevent the use of Dominican territory as a base for hostilities against Haiti. This would be proper under any circumstances, but is the more necessary in view of Bobo's manifest hostility towards the United States.

BRYAN.

File No. 838.00/1157.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, April 10, 1915.

Bobo arrested at Monte Christi by Dominican Government and will be deported.

SULLIVAN.

File No. 838.00/1158.

Consul Livingston to the Secretary of State.

[Telegrams.]

AMERICAN CONSULATE,
Cape Haitien, April 25, 1915—10 a. m.

Government troops at Fort Liberté revolted and marching in direction Cape Haitien.

LIVINGSTON.

File No. 838.00/1159.

AMERICAN CONSULATE,
Cape Haitien, April 25, 1915—3 p. m.

One hundred revolutionists favoring Bobo entered Cape Haitien at 2 o'clock today without opposition.

LIVINGSTON.

File No. 838.00/1163.

Chargé Davis to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, April 29, 1915.

Consul at Cape Haitien reports that rebels broke open and pillaged safe of the custom house yesterday. Gunboat *Pacifique* sailed on

Tuesday carrying ammunition and soldiers to Gonaives, whence they will proceed to [Cape Haitien?] by land. Ministers of War and Interior have gone to north.

DAVIS.

File No. 838.00/1165.

AMERICAN LEGATION,
Port au Prince, May 5, 1915.

Foreign Office has just forwarded to this Legation a copy of a decree dated April 29, declaring a blockade against Fort Liberté and Cape Haitien. At present it is not effective as both *Pacifique* and *Nord Alexis* were here until this morning when they sailed carrying troops; destination supposed to be Gonaives.

DAVIS.

File No. 838.00/1167.

AMERICAN LEGATION,
Port au Prince, May 6, 1915.

Bobo with a large cavalry escort entered Cape Haitien yesterday at 1 o'clock.

DAVIS.

File No. 838.00/1176.

AMERICAN LEGATION,
Port au Prince, May 14, 1915.

Government forces were badly defeated near Cape Haitien yesterday. More than 100 reported killed and a number wounded and made prisoners. Government troops have retreated about 25 miles abandoning arms and ammunition. It is currently reported that ammunition is being supplied to revolutionary forces by Dominicans, a large quantity having been delivered to them by sailboat from Monte Christi on May 11. New paper currency in circulation here today.

DAVIS.

File No. 838.00/1176.

The Secretary of State to Minister Sullivan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 17, 1915.

We have information from Haiti that it is currently reported that ammunition is being supplied to revolutionary forces by Dominicans and that a large quantity was received by sailboat from Monte Christi on May 11. Please bring the matter to the attention of the Government and ask that necessary action be taken to prevent further deliveries.

BRYAN.

File No. 838.00/1178.

Minister Sullivan to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, May 18, 1915.

Your May 17. Dominican Government assures me vigorous action has been ordered to prevent deliveries of ammunition to Haitian revolutionists. Similar assurance given to Haitian Minister. General receiver of customs under the command of Dominican Government has ordered revenue cutter to Monte Christi.

SULLIVAN.

File No. 838.00/1191.

Consul Livingston to the Secretary of State.

[Telegrams—Extracts.]

AMERICAN CONSULATE,
Cape Haitien, June 10, 1915.

Renewed threats by chiefs of revolution to violate French Consulate, giving as precedent events of 1865. Consul has telegraphed his Legation.

LIVINGSTON.

File No. 838.00/1194.

AMERICAN CONSULATE,
Cape Haitien, June 19, 1915.

Troops of Government have just surprised and captured the forts protecting the town and routed the rebels who are retreating into the woods. Considerable firing in the streets at this moment.

French cruiser *Descartes* entered port this morning and sailors now patrolling town.

LIVINGSTON.

File No. 838.00/1198.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, June 20, 1915.

Government forces took Cape Haitien yesterday. Revolutionary forces retreated into the woods. Considerable firing and sailors of the *Descartes* landed.

DAVIS.

File No. 838.00/1199.

Consul Livingston to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Cape Haitien, June 21 1915.

Rebels retreated in good order Saturday afternoon preceded by many women and children and will probably continue revolution. Many refugees in consulates and some aboard French cruiser. De-

tachments of marines are guarding French Consulate, bank and bishopric. There were some executions yesterday for pillaging.

LIVINGSTON.

File No. 838.00/1205.

Chargé Davis to the Secretary of State.

[Extract.]

No. 43.] AMERICAN LEGATION,
Port au Prince, June 23, 1915.

SIR: Confirming my cablegram of June 20 and previous relevant messages regarding the revolutionary situation in the North, I have the honor to report that after some days of desultory fighting just outside of Cape Haitien, the Government troops on June 19 surprised the forts protecting the town, which were held by the revolutionists, and shortly afterwards entered Cape Haitien. The rebel army, preceded by many women and children, retreated in good order and it is thought will continue the revolution.

During several days prior to the taking of Cape Haitien, the French Minister here received a number of telegrams from his Consular Agent at Cape Haitien expressing anxiety for the safety of the refugees in the Consulate, and also fear of pillage should the revolutionists be compelled to give up the city. As this Legation was in daily communication with the American Consul there, and knowing that the French Agent was having his first experience with a revolution, I felt confident that should there be any real cause for anxiety I would be advised thereof directly by Mr. Livingston, and I awaited some expression of concern from him before reporting the situation as grave to the Department.

The French Minister, however, deemed the situation sufficiently acute to warrant a request that a ship be sent if possible, and on the morning of the 18th the *Descartes* entered the harbor here, sailing that afternoon for Cape Haitien where sailors were at once landed and at the time of this writing still maintain a guard at the French Consulate, the bank and bishopric.

The success of the Government up to this time has been very largely due to the fact that the arrival of a part of the new issue of paper money, voted by the Theodore Government last December, has given the Government funds for rationing and paying the army, while the revolutionists have practically no financial backing at all.

Just how much of this paper money has already been issued it is impossible to say, but as the whole issue is 8,000,000 gourdes, and as the Government since the taking of the Treasury from the Bank has converted all pledged and unpledged duties to its own uses, it would seem that it will be sometime in the future before a lack of money will hamper operations against the revolutionists.

Inasmuch as the overthrow of both the Zamor and Theodore Governments was almost directly attributable to lack of money, it would seem that the present Government has an excellent chance of putting down the revolution, or, in any case, of maintaining itself in power for some time to come.

Aside from the continued seizing of men and forcing them into the army, no effects of the revolution are visible at Port au Prince.

I have [etc.],

R. B. DAVIS.

File No. 838.00/1206.

Admiral Caperton to the Secretary of the Navy.

[Telegram—Paraphrase.]

CAPE HAITIEN, *July 3, 1915.*

All remains quiet at Cape Haitien. Position of revolutionists is within three miles of Cape Haitien. Outside the town there occurred some fighting last night. I informed General Probus Blot to-day that fighting cannot be permitted to take place within town Cape Haitien on account of the protection lives and property of foreigners. As soon as possible I will inform Bobo to same effect. Consider this action demanded by United States interests. If necessary will use force, and have informed contending factions to that effect. Am assured by General Probus Blot that fighting will not take place in town, and that the property and also the lives of foreigners will be protected.

Of this action I have informed Commanding Officer *Descartes* and also that I am prepared for the protection of the interests of French citizens at Cape Haitien, also of those of other foreign nations; and that should he be called elsewhere he may be assured that after he leaves, the interests of citizens of France would be handled in the same way as the interests of the citizens of the United States.

CAPERTON.

File No. 838.00/1214.

Chargé Davis to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, July 27, 1915—9 a. m.

Uprising in the city this morning at 4.15; heavy firing for two hours which still continues intermittently. Government completely taken by surprise and revolutionists now in partial control of the city. President and a few generals surrounded in the palace. Uprising reported in favor of Charles Zamor but it is impossible under present conditions to verify any report. A large number of soldiers reported killed and wounded. Presence of war vessel advisable.

DAVIS.

File No. 838.00/1215.

AMERICAN LEGATION,
Port au Prince, July 27, 1915—12 noon.

From all information available President has escaped from the palace and has taken refuge in French Legation which is next door.

DAVIS.

File No. 838.00/1220.

AMERICAN LEGATION,
Port au Prince, July 27, 1915—6 p. m.

Commandant of arrondissement of the Guillaume Government murdered about 70 political prisoners in their cells before giving up

prison and was himself killed. Great excitement and intense feeling as a result.

It has been confirmed that the President is in French Legation. I have communicated situation to Admiral Caperton.

DAVIS.

File No. 838.00/1219.

AMERICAN LEGATION,
Port au Prince, July 27, 1915—2 p. m.

French Legation threatened and a forcible entry attempted for the purpose of taking out the President. French Minister and British Chargé d'Affaires have telegraphed for ships. Situation very grave and the presence of war vessels as soon as possible necessary.

DAVIS.

File No. 838.00/1221.

AMERICAN LEGATION,
Port au Prince, July 28, 1915—11 a m.

At 10.30 mob invaded French Legation, took out President, killed and dismembered him before Legation gates. Hysterical crowds parading streets with portions of his body on poles.

U. S. S. *Washington* entering harbor.

DAVIS.

File No. 838.00/1220.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, July 28, 1915.

SIR: In confirmation of the telephonic conversations between the Chief of the Bureau of Operations of your Department and an official of the Latin American Division, I have the honor to request, in view of the grave situation now existing in Port au Prince, Haiti, that Admiral Caperton be instructed to land marines from the *Washington* at the earliest opportunity; that he request the Captains of both the British and French warships, which the Department understands are now about to proceed to Port au Prince, not to land their marines; and that he assure them the American forces are ready to and will protect foreign interests in Port au Prince.

I have [etc.]

ROBERT LANSING.

File No. 838.00/1276.

The Acting Secretary of the Navy to Admiral Caperton.

[Telegram.]

NAVY DEPARTMENT,
Washington, July 28, 1915.

State Department desires that American forces be landed Port au Prince and that American and foreign interests be protected; that representatives England, France be informed this intention; informed that their interests will be protected, and that they be requested not land. In acting this request be guided your knowledge

present condition Port au Prince and act at discretion. Department has ordered U. S. S. *Jason* with marines Guantánamo, Cuba, proceed immediately Port au Prince. If more forces absolutely necessary wire immediately.

BENSON.

File No. 838.00/1220.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 28, 1915—6 p. m.

Navy Department is instructing Admiral Caperton to land marines at his discretion at earliest opportunity and to request British and French not to land marines and to assure them that the American forces will protect foreign interests. Discreetly repeat this to your British and French colleagues, giving them ample assurance of the intention of this Government to protect the interests of their nationals.

You will confer and cooperate with Admiral Caperton in all possible ways and keep the Department fully informed by frequent telegraphic reports.

LANSING.

File No. 838.00/1224.

Chargé Davis to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, July 29, 1915.

Marines and bluejackets landed yesterday afternoon at about 4 o'clock after Captain E. L. Beach had delivered a letter from Admiral Caperton addressed to the committee of safety stating that the landing was entirely friendly and for the preservation of order and protection of legations, etc. Conference today at the Legation with the committee of safety and an agreement made that this committee would disarm all Haitian soldiers before tomorrow night. City quiet now.

DAVIS.

File No. 838.00/1226.

AMERICAN LEGATION,
Port au Prince, July 30, 1915.

Two bluejackets killed by snipers last night. Urgent need that the American forces in the city be augmented by at least a regiment of marines. This seems advisable on account of the moral effect of increased numbers and also because it would permit a patrol of the city which under present conditions is desirable but not feasible on account of the smallness of the force. City outwardly quiet today but there is quite an undercurrent of excitement and unrest. Disarmament continues slowly.

DAVIS.

File No. 838.00/1231.

AMERICAN LEGATION,
Port au Prince, July 31, 1915.

Disarming of citizens and soldiers continues. Situation critical but being well handled by forces and authorities of landing force. Revolutionary committee seemingly acting in good faith and practically under Admiral's direction. Existence of great number of armed troops in the north constitutes a menace to Port au Prince and establishment of peace and imperatively demands sufficient troops here to control situation in an emergency.

DAVIS.

File No. 838.00/1230.

AMERICAN LEGATION,
Port au Prince, August 1, 1915.

Your July 28, 6 p. m., complied with upon receipt, and at the time French Minister made no objection. Last night he called at the Legation and said that he had received instructions to ask for a French guard within the Legation premises, this guard to have no part in military operations but will be simply a legation guard placed at French Legation to enforce respect for French flag. He had already conferred with Admiral and arrangements had been made for change of guards tomorrow morning.

DAVIS.

File No. 838.00/1276.

Admiral Caperton to the Secretary of the Navy.

[Telegram.]

PORT AU PRINCE, *August 2, 1915.*

23302. Large number Haitian revolutions largely due existing professional soldiers called Cacos, organized in bands under lawless and irresponsible chiefs who fight on side offering greatest inducement, and but nominally recognize the Government. Cacos are feared by all Haitians and practically control politics. About fifteen hundred Cacos now in Port au Prince, ostensibly disarmed but retain organization and believed to have arms and ammunition hidden. They have demanded election Bobo President, and Congress, terrorized by mere demand, is on point complying but restrained by my request. Present condition no other man can be elected account fear of Cacos. Believe can control Congress. Can prevent any Cacos outbreak in Port au Prince after arrival regiment of marines U. S. S. *Connecticut*. Stable government not possible in Haiti until Cacos are disbanded and power broken. Such action now imperative Port au Prince if United States desires to negotiate treaty for financial control Haiti. To accomplish this must have regiment of marines in addition that on *Connecticut*. Majority populace well disposed and submissive will welcome disbanding Cacos and stopping revolutions. Should agreement with Haiti be desired recommend Captain U. S. N. Beach be appointed single commissioner for United States with full instructions and authority. He has conducted my negotiations on shore and I believe has confidence generally of Haitians. As future relations between United States and Haiti de-

pend largely on course of action taken at this time earnestly request to be fully informed of policy of United States.

CAPERTON.

File No. 838.00/1235.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, August 5, 1915.

Admiral has put Colonel Cole in charge of military control of the city and Captain Beach in charge of such civilian matters and negotiations as will grow out of military control. Fort National occupied today without resistance. Marines quartered in government barracks. City quiet and under control. Afternoon paper announces that Chambers will convene Sunday to elect President. Commission still at Cape Haitien. *Connecticut* left here today for that port.

DAVIS.

File No. 838.00/1243.

Admiral Caperton to the Secretary of the Navy.

[Telegram—Paraphrase.]

U. S. S. "WASHINGTON," *August 7, 1915.*

General Bobo formally resigned the position Chief Executive Power and dismissed his cabinet ministers before the landing at Port au Prince today. By his orders all his generals in the North were telegraphed to deposit their arms with the American forces at Cape Haitien. He promises to use every effort for good order. Similar promises have been given by Bourand and to his troops in the North have been sent similar instructions. Because it did not keep faith, I have curtailed the power of the revolutionary committee, for this resulted in not having a serviceable committee. My orders are glady accepted and executed by the civil officials of the late Government. The immediate election of a President is clamored for by all classes of Haitians. For regular Government, Congress with civil functionaries and all necessary organizations except President and Congress not exist legally. There are only two serious candidates, Bobo and Dartiguenave; Congress probably will elect the latter.

I have had daily conferences with the President of the Senate and Chamber of Deputies, with Senators, Deputies, ex-Cabinet Ministers, and many leading Haitians. In the presence of Congressmen, Dartiguenave, President of the Senate, stated that Congressmen are agreed that Haiti must and will accede gladly to any terms proposed by the United States. Now, they say they will cede outright without restriction St. Nicholas Mole, granting us the right to intervene when necessary, customhouse control, and any other terms. Only they beg to avoid as far as possible humiliation. They insist that no government can stand except through protection of the United States. Without this protection there would be nothing but anarchy

in Haiti according to their statements. Most Haitians now fear that the Americans will withdraw their troops.

Immediately it is extremely desirable to reestablish government. Next Thursday, August 12, unless otherwise directed, I will permit Congress to elect a President.

CAPERTON.

File No. 838.00/1244.

The Acting Secretary of Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, August 9, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of August 6, 1915 [8] in which you requested, by the instruction of the President, that a sufficient force absolutely to control the city of Port au Prince and the country immediately about it from which it draws its food supply be despatched immediately to the island.

Admiral Caperton now has at his disposal a force of about 1,100 men on shore. An additional force of about 850 marines will be sent at the earliest possible moment. Admiral Caperton has been informed that he is expected to absolutely control the city of Port au Prince and the country immediately about it from which it draws its food supply.

Very sincerely yours,

W. S. BENSON.

File No. 838.00/1246a.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 10, 1915—noon.

In view of the fact that the Navy last night informed Admiral Caperton that he might allow election of a President whenever the Haitians wish, and of the impression which exists here that the elections may take place Thursday next, it is desired that you confer with the Admiral to the end that, in some way to be determined between you, the following things be made perfectly clear:

First: Let Congress understand that the Government of the United States intends to uphold it, but that it can not recognize action which does not establish in charge of Haitian affairs those whose abilities and dispositions give assurances of putting an end to factional disorders.

Second. In order that no misunderstanding can possibly occur after election, it should be made perfectly clear to candidates as soon as possible and in advance of their election, that the United States expects to be entrusted with the practical control of the customs, and such financial control over the affairs of the Republic of Haiti as the United States may deem necessary for an efficient administration.

[8] Not printed.

The Government of the United States considers it its duty to support a constitutional government. It means to assist in the establishing of such a government, and to support it as long as necessity may require. It has no design upon the political or territorial integrity of Haiti; on the contrary, what has been done, as well as what will be done, is conceived in an effort to aid the people of Haiti in establishing a stable government and in maintaining domestic peace throughout the Republic.

LANSING.

File No. 838.00/1250.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, August 12, 1914.

Your instruction of August 10, noon, complied with yesterday afternoon. Captain Beach and I communicating contents to Senators and Deputies assembled in informal meeting and through them communicated to the candidates. Today at about midday Sudre Dartiguenave elected President, receiving 94 out of 116 votes. Election held under protection of marines. Bobo adherents had threatened violence and entire city patrolled. No outbreak.

The President has expressed gratitude for protection afforded which alone made an election with any degree of freedom possible. He seems, for the moment at least, deeply appreciative of what has been done toward the establishment of peace and order in Haiti.

DAVIS.

File No. 838.00/1266.

Consul Livingston to the Secretary of State.

No. 250.] AMERICAN CONSULATE,
Cape Haitien, August 12, 1915.

SIR: I have the honor to report that, owing to the excitement here following the recent events at Port au Prince, culminating in the death of President Vilbrun Guillaume Sam, the commanding officer of the U. S. S. *Eagle* placed a guard of 20 men at the French Consular Agency where several prominent revolutionists had taken refuge since June 19 when the Government troops retook the town. These men remained at the Consular Agency until August 4, the day following the departure of the principal Government generals. On that day the *Nashville* landed sixty men and those from the *Eagle* remained as a part of the landing party. This reassured the refugees and they left the Consular Agency.

General Blot, commander in chief of the Government forces, left for Monte Christi on a Haitian gunboat during the night of the 3d with his family and the most active of his generals and men. Many of the Government troops voluntarily laid down their arms and took refuge in the yard of the Bishop's residence. Others went aboard the Haitian gunboat *Nord Alexis*, but a good contingent remained with their arms and marched out of town in the direction

of Port au Prince. Those remaining here, about 750 in all, were sent to Port au Prince on board the *Nord Alexis*.

The *Jason* arrived from Port au Prince on the 3d instant with a commission composed of Archbishop Conan, ex-President Legitime, Lieutenant Coffee, Flag Secretary of Admiral Caperton, Charles Zamor and Edmond Polynice. The commission returned on the 5th with Dr. R. Bobo and staff, General Bourand who commanded the Government troops at Fort Liberté, Ouanaminthe adjacent territory, and a few other prominent citizens.

The U. S. S. *Connecticut* arrived on the 6th instant and immediately landed about 63 marines. After the departure of the *Eagle* on the 8th, the *Connecticut* landed 108 bluejackets, making a total of about 230 men landed.

Captain Durell of the *Connecticut* and Commander Olmsted of the *Nashville* have taken temporary charge of the administration of affairs in the city. Most of the former Haitian employees have been restored to their places, with one American at the custom house and others at the port. They are beginning now to clean up the town so far as the limited means at their disposal will permit. Everything is working smoothly and the people are taking it good-naturedly.

Captain Durell has received instructions to give 100 gourdes to each principal officer and 10 gourdes to each private who comes in and surrenders his arms. Arrangements are being made to carry out these instructions; but word comes this morning from Port au Prince that Dr. Bobo may start a revolt in case he is not elected. One of his emissaries is expected on the steamer that is due here to-day.

Yesterday the accompanying printed translation of the enclosed proclamation by Admiral Caperton was distributed throughout the city and made a good impression.

Commander Olmsted is in charge of the forces ashore.

I have [etc.]

LIVINGSTON.

[Inclosure.]

PROCLAMATION OF THE UNITED STATES.

U. S. S. "*Washington*," FLAGSHIP,
Port au Prince, Haiti, August 9, 1915.

I am directed by the United States Government to assure the Haitian people that the United States has no object in view except to insure, to establish, and to help maintain Haitian independence and the establishment of a stable and firm government by the Haitian people.

Every assistance will be given to the Haitian people in their attempt to secure these ends. It is the intention to retain the United States forces in Haiti only so long as will be necessary for this purpose.

W. B. CAPERTON,
Rear Admiral, United States Navy,
Commanding U. S. Forces in Haitian Waters.

93072°—FR 1915——31

File No. 838.00/1251.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, August 13, 1915.

President is expected to name Cabinet today, and in view of the fact that both the Government and Chambers absolutely dependent on American military forces for existence, it is respectfully suggested that negotiations for carrying out stipulations of your August 10, be begun as soon as possible so as to avail of present favorable opportunity.

Considering the rapidity with which local conditions change, I would respectfully suggest that under present conditions here and in view of American military control, the chances for successful treaty negotiations by the representatives to be entrusted therewith will be greatly increased if he be given instructions sufficiently broad to enable him to act as circumstances demand without having to await special instructions covering some unexpected turn of events.

DAVIS.

File No. 838.00/1263.

The Secretary of State to Chargé Johnson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 18, 1915.

Department is attempting to segregate arms in Haiti and leakage across frontier is embarrassing. Urge immediate and effective measures on part of Dominican Government to prevent movement of arms across the frontier into Haiti. Report by telegraph.

LANSING.

File No. 838.00/1263.

Chargé Johnson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, August 19, 1915.

Your August 18. Have seen President and Minister of Foreign Affairs and both have promised that order will be sent at once to the frontier governors urging renewed vigilance; also that troops will be sent at once. Believe Government sincere in intentions and will do all it can, but fear it can do little. Receiver General has given special instructions to frontier guard to report and to stop all smuggling of arms to Haiti and he has no report of any unusual movement along border. Frontier guard only efficient force which could prevent passage of arms to Haiti but number only sixty and do not pretend to stop men from crossing with individual arms. Sanchez, friendly to Arias, reported ready to surrender to Governor of Monte Christi, nephew of President.

[Not signed.]

File No. 838.00/1275.

Admiral Caperton to the Secretary of the Navy.

[Telegram.]

PORT AU PRINCE, *August 26, 1915.*

Port de Paix occupied by our forces Wednesday; landing force now established and maintaining order. Have assumed charge custom house and port service Port de Paix. Continued reports of pillage and disorder coming from interior. There is no doubt that there is now a fairly strong agitation to incite hostility toward American occupation. *Castine* left St Marc for Gonaives on reconnoissance duty this morning. About 1,000 ex-Government troops vicinity Ouanaminthe willing to disarm and return to their homes but cannot get to our lines on account of Cacos around Cape Haitien.

CAPERTON.

File No. 838.00/1277.

Chargé Johnson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, August 28, 1915—11 a. m.

Bobo on Cuban vessel in harbor. At my request pending quick reply to this telegram vessel will be detained here by Cuban Minister and Bobo kept under guard by Dominican Government which is desirous of compelling him to proceed to next port, Santiago de Cuba. Has the Department any request to make of the Dominican Government?

JOHNSON.

File No. 838.00/1277.

The Secretary of State to Chargé Johnson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 28, 1915—9 p. m.

Department has no objection to Bobo being landed at Santiago de Cuba.

LANSING.

File No. 838.00/1282.

Minister Gonzales to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Habana, September 1, 1915.

Sub-Secretary of State informs Scholle that Bobo, Haitian revolutionist, has debarked at Santiago de Cuba after being refused admission at Santo Domingo. The Cuban Government is having him closely watched as there are many Haitians in Cuba and Government wishes to frustrate any revolutionary propaganda in Cuba.

GONZALES.

File No. 838.00/1287.

Admiral Caperton to the Secretary of the Navy.

[Telegrams.]

PORT AU PRINCE, *September 2, 1915.*

To-morrow September 3, I will proclaim martial law at Port au Prince for the following reasons: 1st, on account of the increasing uneasiness; 2d, the propagation by the newspapers and public men of inflammatory propaganda against the Government and the American occupation; 3d, because present Government is confronted with conditions which it is apparently unable to control; 4th, because some of the government officials are disloyal to the present Government; 5th, in order to better support the present Government. The Chargé d'Affaires concurs with me in this action. I am forwarding the proclamation by radio.

CAPERTON.

File No. 838.00/1288.

PORT AU PRINCE, *September 3, 1915.*

Following proclamation published to people of Port au Prince:

Information having been received from the most reliable sources that the present Government of Haiti is confronted with conditions which they are unable to control, although loyally attempting to discharge the duties of their respective offices; and the facts having created a condition which requires the adoption of different measures from those heretofore applied; and in order to afford the inhabitants of Port au Prince, and other territory hereinafter described, the privileges of government, exercising all the functions necessary for the establishment and maintenance of the fundamental rights of man—I hereby, under my authority as Commanding Officer of the Forces of the United States of America in Haiti and Haitian waters, proclaim that martial law exists in the City of Port au Prince and the immediate territory now occupied by the forces now under my command.

I further proclaim, in accordance with the law of nations and the usages, customs and functions of my own and other Governments, that I am invested with the power and responsibility of government in all its functions and branches throughout the territory above described; and the proper administration of such Government by martial law will be provided for in regulations to be issued from time to time, by the Commanding Officer of the Forces of the United States of America in Haiti and Haitian waters.

The martial law herein proclaimed, and the things in that respect so ordered, will not be deemed or taken to interfere with the proceedings of the Constitutional Government and Congress of Haiti, or with the administration of justice in the courts of law existing therein, which do not affect the military operations or the authorities of the Government of the United States of America.

All the municipal and other civil employees are, therefore, requested to continue in their present vocations without change; and the military authorities will not interfere in the functions of the civil administration and the courts, except in so far as relates to persons violating military orders or regulations, or otherwise interfering with the exercise of military authority. All peaceful citizens can confidently pursue their usual occupations, feeling that they will be protected in their personal rights and property, as well as in their proper social relations.

The Commanding Officer of the United States expeditionary forces, Colonel Littleton W. T. Waller, United States Marine Corps, is empowered to issue the necessary regulations and appoint the necessary officers to make this martial law effective.

Done at the City of Port au Prince, Haiti, this third day of September, A. D. 1915.

W. B. CAPERTON,
Rear Admiral, United Sates Navy,
Commanding the Forces of the United States of America in Haiti and Haitian Waters.

CAPERTON.

File No. 838.00/1294.

The Haitian Minister to the Secretary of State.

[Translation.]

HAITIAN LEGATION,
Washington, September 4, 1915.

MR. SECRETARY OF STATE: In the course of the conversation I had with you this morning, I had the honor to draw your attention to a telegram which the President of the Republic of Haiti was pleased to send me yesterday. The cablegram I received from His Excellency Mr. Dartiguenave positively says that the American forces landed in Haiti have successively taken possession of the Haitian customs and even of the custom house and the government of Port au Prince. It points out that this arbitrary measure, which implies the forcible and premature enforcement of the draft of convention between the two Governments, together with the threat of American authorities to declare martial law in Haitian territory, had the effect of rousing popular feeling to the highest pitch and of endangering a situation whose satisfactory settlement appeared to be in sight. It calls to mind the conciliatory spirit which animates the Haitian Government, and which is evidenced by the counter-draft delivered on August 26 last and the conference held at the National Palace at Port au Prince on the 29th of the same month from 5 p. m. until midnight, when an agreement was nearly reached upon an exchange of views tending to adapt the propositions of the Government of the United States to the provisions of the Haitian Constitution, which can not be ignored, and to the susceptibilities of the nation.

President Dartiguenave, adding that since last Sunday he has received no answer concerning certain amendments which the Government of the Republic of Haiti deems necessary, still indulges the hope that the present tension, thanks to the tact and coolness of the responsible parties, will soon vanish and he is fully disposed to conclude an agreement that will be in perfect harmony with the principle of the independence of the State of Haiti.

In transmitting to you the foregoing paraphrase of the cablegram from the Chief Magistrate of the Republic which it is my honor to represent here, I stand convinced that the Government of the United States, which never bent its energy on crushing the weak, will dismiss and disown any idea of violence against the Haitian nation and any plan against its institutions.

Be pleased [etc.]

SOLON MÉNOS.

File No. 838.00/1290.

The Secretary of the Navy to Admiral Caperton.

[Telegram.]

NAVY DEPARTMENT,
Washington, September 5, 1915.

Unless absolutely necessary to prevent loss of life or property, you will take no offensive action against Haitians without first consulting the Navy Department. Tomorrow the Department will send you more detailed instructions. Should any conditions arise that would seem to make offensive action either desirable or necessary inform the Department immediately.

DANIELS.

File No. 838.00/1295.

The Haitian Minister to the Secretary of State.

[Translation.]

HAITIAN LEGATION,
Washington, September 6, 1915.

MR. SECRETARY OF STATE: Since I had the honor of writing you under date of September 4, about a recent telegram from the President of Haiti, the Haitian Government has informed me that Admiral Caperton after taking possession of seven Haitian custom houses including that of the capital, and putting them in charge of directors selected by him, proclaimed martial law throughout the territory of the Republic unduly occupied by the American forces, and appointed simultaneously a governor for Cape Haitien and a chief of police and a harbor-master for Port au Prince.

I have had the honor to talk with you on several occasions of facts that may be regarded as encroachments on the rights of sovereignty and independence of the Republic of Haiti; but you were so good as to give me, as to the intentions of the Government of the United States, assurances that did not fail of favorable reception. Yet my Government, confronting the last measures taken by Admiral Caperton, cannot but doubt whether these acts and orders, the effects of which deprive it of the exercise of the essential prerogatives vested in it by the Constitution, do not amount to a manifest invasion of the autonomy of the country whose institutions it is commissioned to defend.

It has in consequence instructed me to let you know how glad it will be to receive through me such explanations as may dispel the justified alarm of the Haitian people.

Be pleased [etc.]

SOLON MÉNOS.

File No. 838.00/1289.

Admiral Caperton to the Secretary of the Navy.

[Telegram.]

[*Not dated; received September 7, 1915.*]

In northern Haiti the Cacos situation is becoming critical. Because of their leaders, who are endeavoring to obtain exorbitant

bribes, these Cacos will not come within our lines and surrender arms and will not disband. Repeated efforts have been made both through channels in the north and through their leaders in Port au Prince, and liberal offers of 15 gourdes per soldier and 100 gourdes per chief have been made to pay for their rifles and to give them sufficient money to return to their homes; but the offers were not accepted.

In Cape Haitien these Cacos have again begun investing the town and are preventing market people and food stuffs from entering. As recommended in my radiogram 16029 (S. D. 1141) I believe that furnishing work on railroad construction in the vicinity of Cape Haitien might induce many men to desert their chiefs and go to work. In this connection unless prompt measures are taken I shall be forced to consider very soon offensive operations against these Cacos.

CAPERTON.

File No. 838.00/1295.

The Secretary of State to the Haitian Minister.

DEPARTMENT OF STATE,
Washington, September 10, 1915.

SIR: I have your two letters dated the 4th and 6th instant, respectively.

It will, I am sure, be perfectly apparent to you that your two letters and our informal conversations can, under present circumstances, only be considered as having an unofficial character.

With every desire to preclude the possibility of any future embarrassment, I must again repeat my earnest conviction that the interests of Haiti will best be served by restricting pending negotiations to Port au Prince, exclusively.

I remain [etc.]

ROBERT LANSING.

File No. 838.00/1295.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 10, 1915—6 p. m.

In a note dated the 4th instant, Mr. Solon Ménos paraphrases a telegraphic instruction from President Dartiguenave wherein he pointed out that the arbitrary action of the United States forces in taking possession of customhouses, together with the threat to declare martial law, had aroused popular feeling to the highest pitch and had endangered a satisfactory conclusion of present negotiations, which he hoped would lead to an agreement in perfect harmony with the principle of the independence of Haiti. Mr. Ménos in conclusion expressed his belief that the United States, which never bent its energy on crushing the weak, would dismiss and disown any idea of violence against the Haitian nation or any plan against its institutions.

Mr. Ménos wrote again on the 6th to the effect that he had been informed by his Government of the declaration of martial law in the territory of Haiti, unduly occupied by American forces, which had led his Government to doubt whether these acts did not amount to a manifest invasion of the autonomy of the country whose institutions it was commissioned to defend; also that his Government would be glad to receive, through him, such explanations as would dispel the justified alarm of the Haitian people.

The department is loath to believe that Mr. Ménos has faithfully reflected the attitude of his Government in this matter, particularly in view of the resignation of Minister Sannon, and would be pleased if President Dartiguenave could see his way to write you informally to that effect and to state that these instructions were given to Mr. Ménos without his knowledge or consent. The President may be fully assured that his communication will be treated as strictly confidential.

I am to-day advising Mr. Ménos that his two notes and our informal conversations can, under present circumstances, only have an unofficial character. I shall also repeat my conviction that it will be to the best interests of Haiti for negotiations to be carried on at Port au Prince, exclusively.

LANSING.

File No. 838.00/1307a.

The Secretary of State to Chargé Johnson.

[Telegram—Extract.]

DEPARTMENT OF STATE,
Washington, September 10, 1915—6 p. m.

Inform President Jiménes the Department has learned with surprise that Cacos bands are being maintained from the Dominican side of the border and impress upon him the necessity to enforce strict neutrality. The President should promptly issue decree placing embargo upon export of arms and munitions to Haiti and increase personnel of frontier guard to insure compliance therewith.

LANSING.

File No. 838.00/1301.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, September 11, 1915.

SIR: I have the honor to forward herewith a copy of a report from Rear Admiral W. B. Caperton, in reference to conditions in Haitian waters from August 13 to August 19, inclusive.

Very sincerely yours,

W. S. BENSON.

[Inclosure—Extract.]

Admiral Caperton to the Secretary of the Navy.

PORT AU PRINCE, *August 13, 1915.*

Considerable destitution exists among the lower classes in Port au Prince. On the morning of August 13, a woman and child were found dead in the open

market-place in the vicinity of Rue de St. Honore and Rue de Centre, their deaths having been due, without question, to starvation. A very intelligent woman, claiming to be a school teacher, appeared this morning and showed what purported to be an acknowledgement of indebtedness due her for pay as school teacher for the month of January. She claims that neither she nor family have had anything to eat for two days. Other cases similar to this have been brought to my attention; and some cases where families have been without food for 24 to 48 hours. The starting of public works and establishment of peace will, without doubt, furnish employment to many men who are now without food; but this will not, in all probability, reach the women and children who have no men to support them.

I request that this matter be brought to the attention of the Red Cross Society, with the request that they send representatives and undertake relief work at Port au Prince. I suggest the Red Cross Society cable me $1,000 to carry on relief work until they arrive. Referring to the Department's radiogram No. 14002, there are no influential Haitians who have funds for properly organizing a relief society; the country is destitute from lack of crops and industry due to continuous revolution.

August 14, 1915.

The revolutionary leader, Daguesseau Montreuil, arrived at Cape Haitien on the morning of August 13. He communicated with the revolutionary committees at St. Marc and Gonaives, and sent a telegram to the revolutionary committee at Cape Haitien to the effect that Bobo was very strong politically. It is suspected that he will urge the ex-Bobo troops to maintain their present stand and not surrender their arms. The committee of public safety appointed by Bobo still continues to exist and to be a menace at Cape Haitien. No troops have presented themselves to surrender arms as yet.

I immediately informed the Commanding Officer of the *Connecticut* that no revolutionary activities of any kind would be tolerated in Haiti and especially within the limits of my command; that it is the duty of all citizens to support the present Government; and that if Montreuil, or any other Haitian, attempted revolutionary activities of any kind, he is to be arrested at once.

I received on this day Department's radiogram No. 12014, stating that the Red Cross Society had contributed $1,000 to relieve the destitute among the lower classes at Port au Prince.

August 16, 1915.

On this day information was received from fairly reliable sources, that the Cacos forces were concentrating at Le Borgne, on the north coast of Haiti, west of Cape Haitien, and at Pt. Sonde, just east of St. Marc, on the Artibonite River; that the Cacos were becoming restless as they had not received pay for some time; and that the leaders appear to fear that they will lose control over their men.

The Cacos question will be the most difficult one for the United States to solve in Haiti, as these men have long been used to the wandering life of a bandit and to a life without work. I made arrangements for the bank at St. Marc, under the direction of the American officer at that place, to pay those Cacos who belong to any military organization a sum of money if they would surrender their arms and return to their homes, in the same manner as was done at Port au Prince and Cape Haitien. The *Castine* has been ordered to St. Marc and will take charge of such payment.

The offer of money to the Cacos to surrender arms and disband is entirely in the nature of pay for military services rendered in the past, as they form the majority of the military organizations in the North. At present considerable difficulty is being experienced at Cape Haitien in getting the Cacos to come in and deposit their arms, although the money is waiting for them and they have been so informed.

The Cacos question is a most serious one and will probably not be successfully handled until a reliable constabulary is established and money comes into the country to provide work for these men.

Under date of August 16, the American Consular Agent at Port de Paix informed the Commanding Officer of the *Connecticut* that Port de Paix was entirely and openly hostile to the Government of President Dartiguenave, which has not been recognized at that place yet, and that the population was ready to join the Cacos. The Consular Agent stated that General Cherfilus had been called to Port de Paix with an armed force to take possession of the town and to join the Cacos army and the population there, which is to commence what

they term "guerre internationale" against Dartiguenave and the American occupation; that there was a strong rumor that a division of the Cacos was on the march there via Le Borgne; that if this is true there will be serious danger to foreign life and property; and that the population is very excited and inclined to excesses.

A committee—consisting of Archbishop Pichon, Reverend Turnbull, U. S. Vice Consul Battist, Senators L. Herrison and Villard, Madame Vve Fils-Aimé, president, and Madame E. Solages, treasurer of St. Vincent de Paul's Hospital—under direction of Lieutenant Oberlin, is engaged in alleviating the suffering of the starving poor at Port au Prince with funds provided by the American Red Cross Society.

August 18, 1915.

In order to give further publicity to my offer to pay the soldiers upon coming within the United States lines, depositing their arms, and returning to their homes, fifteen gourdes apiece and to each chief one hundred gourdes, I directed the Commanding Officer of the *Castine* to publish the Department's proclamation and this information at Gonaives; the Commanding Officer of the *Connecticut* at Port de Paix; the Commanding Officer of the *Eagle* at Leogane, Petite Goave, and Miragoane; and I asked the American Consul at Port au Prince to take the necessary measures to direct the consular representatives at Port de Paix, Aux Cayes, Jacmel and Jeremie to publish the proclamation and give this notice to the people in their districts.

W. B. CAPERTON.

File No. 838.00/1309.

Chargé Johnson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, September 14, 1915.

Instructions contained in your September 10, 6 p. m., followed. I called President's attention to promise made to issue decree prohibiting export of munitions of war to Haiti. As a result, decree was promulgated today; original draft amended at my suggestion to include non-commercial carrying arms and munitions of war of whatever kind or quantity to Haiti, which would embrace the case of individuals with only personal arms and cartridge-belts. On the question of increasing personnel of frontier guard, Government takes position it cannot spare the money. Receivership considering paying for increase out of the 5 per cent. Guard could be doubled with $20,000 a year additional. Government's answer is not final and may yet accede to request.

JOHNSON.

File No. 838.00/1313.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, September 17, 1915—9 a. m.

Formally recognized Government and signed treaty at eight o'clock last night. Treaty will be presented to Chambers today for ratification. Ratification expected to be had early next week.

After discussing modus vivendi, Minister for Foreign Affairs informed me that, after consultation [with] Constituent Body, Government deemed it necessary to have resolution by Chambers authorizing same; in light of which I am following instructions as originally given.

Today last day of regular session of Congress. Extra session will be called tomorrow so as to allow ratification and completion of unfinished business.

DAVIS.

File No. 838.00/1325.

Admiral Caperton to the Secretary of the Navy.

[Telegrams—Paraphrases.]

PORT AU PRINCE, *September 22, 1915.*

Colonel Waller returned from Gonaives Monday. Conditions that town relative to food and water supply so intolerable as to require immediate action. Therefore directed railroad be opened to Ennery in same manner as was done at Cape Haitien. When Cacos learned of preparations for opening railroad they started firing and began destroying railroad tracks one half to one and one-half miles outside Gonaives. Detachment of 24 marines immediately proceeded along railroad, where about 50 Cacos from behind barricades across railroad opened fire on our men at 25 yards distance. Firing was returned by our troops and Cacos were driven into bush for mile and one-half. No casualties our forces. One chief and five other Cacos killed and one chief wounded. Sniping from bush to east of towns continues at intervals. Cacos' chief had been warned in morning against interfering with food and water supply. Have approved Commanding Officer *Castine* action and have directed him open railroad to Ennery without delay and keep it open and take such action as necessary to secure food and water supply for towns and free entry of coffee. No offensive involved. All measures purely those for protection of life and property.

CAPERTON.

File No. 838.00/1328.

PORT AU PRINCE, *September 22, 1915.*

Major Butler with 50 marines and sailors left Gonaives at 7 a. m. Tuesday for Poteau by wagon road. Half mile from town column fired on by Cacos from bush. Firing at two other points during advance. No firing by Butler's forces except when fired upon first. One Caco killed. Force reached Poteau at noon overtaking Cacos force of five hundred with two hundred rifles. Held parley with General Rameau, who agreed to withdraw his forces from neighborhood of Gonaives and promised not to interfere with food or water supply or injure railroad or telegraph lines. Column returned along railroad arriving Gonaives 5 p. m. Tuesday. Found tracks and bridges slightly damaged. Engaged today in repairs damage to railroad caused by firing near Gonaives Monday. Vandergrift with 25 marines marched over pipe line at Lapierre repairing water main. Found no Cacos. Quiet during night and this morning. Patroling all roads within a radius of 5 miles.

CAPERTON.

File No. 838.00/1333.

PORT AU PRINCE, *September 26, 1915.*

Yesterday forenoon sent patrol to Haut du Cap; afternoon sent patrol Petitanse. Both patrols passed Cacos outposts whose com-

manders wished them to wait until communication could be held with Caco chief but no opposition was encountered when patrols pushed on. Today at 6 a. m. sent out 2 patrols 40 men each, first to Plain du Nord via Haut du Cap, second to Haut du Cap via Petitanse and Carrefour de Trous. Patrol ordered to push through, to take no offensive action, but to defend themselves if attacked. First patrol met numerous Caco outposts but went on. About 8.30 a. m. firing became general near Haut du Cap, both patrols engaged. Colonel Cole with marines sent to support patrol and remainder of *Connecticut's* landing force landed. About 12.30 p. m. second patrol returned Cape Haitien; Colonel Cole with other patrol and support remained at Haut du Cap, firing continuing at that time. Ten marines wounded; counted forty dead Cacos on Haut du Cap road. The sending out of these patrols necessary to insure free entry of food and supplies to Cape Haitien and not considered in nature of offensive operations. Colonel Waller leaving Port au Prince tonight on board *Eagle* for Cape Haitien.

CAPERTON.

File No. 838.00/1342.

Chargé Johnson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Santo Domingo, September 29, 1915.

Dominican Government has promised after full discussion to send telegraphic instructions to governor of Monte Christi to instruct all Dominican frontier officials to lend cooperation and support to frontier guard; to arrest all suspicious Dominicans and Haitian refugees and to induce Madaneroca to go to and remain Monte Christi. Assembled Generals Bobo and Sanchez, friends of Arias in Haitian revolution, summoned to and now in capital, have been induced by the President to promise to desist from unlawful acts; President maintains Arias's friends no longer hold office along frontier. Believe frontier guard can under existing border conditions do much to prevent unlawful use Dominican territory besides merely enforcing customs and embargo laws.

Haitian Minister informed me Monday that he was about to make protest to Dominican Government re matters referred to in your telegram.

JOHNSON.

File No. 838.00/1361.

Admiral Caperton to the Secretary of the Navy.

[Telegram—Paraphrase.]

U. S. S. WASHINGTON, *October 30, 1915.*

Although country vicinity Cape Haitien and Fort Liberté is quiet and inhabitants resuming normal occupations, conditions vicinity Bahon and St. Suzanne are disturbed. Bands of Cacos raiding and pillaging small towns and terrorizing country. Under agreement these Cacos are to be treated as bandits and I have directed Colonel

Waller to take active measures to suppress them. This plan should be kept secret, as action to be effective must be complete surprise or bandits will escape to mountains and continue depredations.

CAPERTON.

File No. 838.00/1373.

The Secretary of the Navy to Admiral Caperton.

[Telegram.]

NAVY DEPARTMENT,
Washington, November 20, 1915.

Department strongly impressed with number Haitians killed. Department feels that a severe lesson has been taught Cacos and believes that a proper patrol can be maintained to preserve order and protect innocent persons without further offensive operations. Should these measures prove inadequate inform Department before taking steps that would lead to loss of life on either side except in case of urgent necessity. Acknowledge.

DANIELS.

File No. 838.00/1373.

Admiral Caperton to the Secretary of the Navy.

[Telegrams.]

PORT AU PRINCE, *November 22, 1915.*

All operations except protective patrolling have been suspended. Directions have been given that loss of life both sides be avoided if possible.

CAPERTON.

File No. 838.51/439.

PORT AU PRINCE, *November 30, 1915.*

French Government has officially recognized Dartiguenave Government. British Chargé d'Affaires has instructions to recognize Dartiguenave Government.

CAPERTON.

File No. 838.00/1370.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, December 8, 1915.

SIR: I have the honor to forward herewith, for the information of your Department, a copy of a letter dated November 20, 1915, received from Rear Admiral Caperton, Commander of the Cruiser Squadron, Atlantic Fleet, relative to the operations of the Cruiser Squadron in Haitian waters from November 7 to 19, inclusive.

W. S. BENSON.

[Inclosure—Extract.]

Admiral Caperton to the Secretary of the Navy.

November 7, 1915.

Colonel Waller reports that operations are progressing well against the Caco bandits, and that the bandits are scarce at present. It is his opinion that the

North will soon be quiet, but that our troops will be active for a few days more. He will interview several Caco generals tomorrow.

I directed the commander of the Fifth Naval District to occupy the custom-house at Aquin in accordance with orders previously issued.

November 8, 1915.

Operations against the bandits in the North continues. Our forces have been divided into small columns and are patrolling the country in all directions, and the bandits have been almost completely broken up.

November 10, 1915.

On this day the Commander of the Expeditionary Force reported that Forts Selon and Berthol had been captured on November 8; that the Cacos had fired [fled?] at the sight of our men; and that all in the Caco country were displaying white flags. He further reports that a band of 15 bandits was trapped near Grande Rivière, and that 2 were killed and 9 wounded. He also reports Limonade quiet and states that he was satisfied that the movement crushed was more than an aggregation of ordinary brigands. The Commander of the Expeditionary Force will now start operations to the west of the railroad and toward Ranquille.

November 13, 1915.

The Commander of the Expeditionary Force reports from the North that a general movement westward towards the Cape Haitien-Bahon railroad started this morning, and will be finished tomorrow to the line Grande Rivière-Bahon; that Limonade and Le Trou also were being occupied; that few Cacos were seen; that there were 3 killed and 6 wounded among them; and that there were no casualties on our side. He further reports that it is quiet south of Behon; that the district between the railroad and San Raphael will be cleared next week if necessary; and that this district has already been patrolled and partly cleared. He further reports that conditions are quiet and that more people are going to work on the farms.

November 16, 1915.

The Commander of the Expeditionary Force returned to Port au Prince on this day. The operation against the Cacos toward Dondon, Fort Rivière and Ranquille began this morning. Conditions to the eastward of the Cape Haitien-Bahon railroad are quiet, and no further trouble is anticipated in this district.

November 18, 1915.

On 17 November Fort Rivière was captured by forces under the command of Major Butler. All avenues of escape had been previously closed so that no Cacos escaped. Fifty-one Cacos were killed, including General Joseph and 3 division chiefs, and all others were captured. There were no casualties to our forces. Major Butler's force consisted of the 13th Company of Marines, Captain C. Campbell; marine detachment from the *Connecticut*, Captain F. A. Barker; 5th Company of Marines, Captain W. W. Low; a seamen company from the *Connecticut*, Lieut. S. D. McCaughey; and an automatic-gun detachment from the 3d Company. The assault was made by Major Butler with the 5th Company, supported by five other companies. A hand-to-hand conflict in the fort lasted ten minutes. Forty-seven rifles and considerable ammunition found in the fort after the capture. This fort is made of masonry and brick of most substantial construction. It will be leveled to the ground.

The fact that this fort was taken without a single casualty on our side speaks well for the ability and judgment of all officers concerned.

November 19, 1915.

The operations against the Caco bandits in North Haiti during the last three weeks has resulted in the dispersing of the Cacos, the capture of many of their strongholds, the destruction of quantities of arms and ammunition, and the bringing of peaceful conditions throughout the Caco country. This area is included within the lines Cape Haitien, Minthe, the mouth of the Massacre River, and Cape Haitien. This area is now patrolled throughout by our forces, is now peaceful, and the country people are now busy with their crops. Our patrols are also at present operating from Gonteau, from Port de Paix for a distance of eight miles to the southward and from St. Marc to the Artibonite Valley. These latter areas are quiet and patrols from Gonaives and St. Marc found the people friendly and welcoming our detachments.

The last movement of the Cacos appears to have been of a revolutionary nature against the present Government and the American occupation, as well

as brigandage. While petty brigandage will continue from time to time, yet it is hoped that no more such organized brigandage or revolutionary activities will occur. Our casualties to date in this campaign are one officer and one man wounded.

November 19, 1915.

On this day I received Department's radiogram 22018, in which the Department directs that, in view of the heavy losses to the Haitians in recent engagements, our offensive operations be suspended in order to prevent further loss of life.

It is presumed that the Department understands that patrolling in North Haiti is now under way by our forces, and that hostile contact with the bandits may unavoidably occur from time to time, resulting in loss of life. The operations we have been conducting are purely of a defensive character for the preservation of law and order, the suppression of revolutionary activities against the present Government and military intimidation of the people and for the protection of life and property of the innocent farmers and tradesmen who form by far the majority of the population in the districts patrolled. The Cacos against whom these operations have been undertaken, are bandits purely and simply, owing no allegiance to the Government or any political faction, but organized under petty chiefs for the sole purpose of stirring up strife against the Government, and robbing, pillaging, and murdering innocent people. The suppression of this brigandage and these activities is absolutely essential to peace and security in Haiti. It will be remembered that there is no Government authority in these areas at present and that we have disbanded the Haitian army, which has heretofore been the only means of protection to the inhabitants. The operations now undertaken should continue until this brigandage is suppressed or the constabulary is ready to relieve our forces. Having undertaken this intervention, any diminution in the protection and support offered the Government and the people of Haiti by the United States will greatly harm our prestige. Our action in suppressing these bandits is approved by the Haitian Government, and, in the case of most of the members of that Government, most enthusiastically.

It is absolutely necessary that the present movement continue to the southward to include Hinche at least, where arms and ammunition have been collected for delivery to our forces in accordance with the agreement of Quartier-Morin; and furthermore, if Hinche is not occupied it will therefore form a base for future revolutions. It is of course possible that some slight opposition may be encountered at Hinche although we are assured there will be none. In view of this vital necessity, unless otherwise directed, I will continue the movement to Hinche.

W. B. CAPERTON.

File No. 838.00/1373.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, December 29, 1915.

SIR: I have the honor to forward herewith 2 reports from the Commander of the Cruiser Squadron, Atlantic Fleet, covering the operations of the squadron in Haiti and Haitian waters from November 20 to December 16, 1915.

Very sincerely yours,

JOSEPHUS DANIELS,

[Inclosure—Extract.]

Admiral Caperton to the Secretary of the Navy.

November 20, 1915.

On this day I received a radiogram from the Department stating that the Department was impressed with the number of Haitians killed; that it feels that a severe lesson has been taught the Cacos and it believes that a proper patrol can be maintained to preserve order and protect innocent persons without further offensive operations. The Department directs that, should these

measures prove inadequate, I inform the Department before taking steps that would result in loss of life on either side, except in case of urgent necessity.

November 21, 1915.

At 30 minutes past midnight, November 21, Colonel Waller directed all the forces in the North to suspend operations except patrolling, pending further instructions; and at 12.30 p. m., November 21, he communicated the Department's instructions to the forces in the North and gave instructions accordingly.

November 22, 1915.

Later reports from North Haiti indicate that when Fort Rivière was rushed by the 5th Company of Marines, 29 Cacos were killed in the mêlée. Many jumped over the parapet and attempted to escape. These were attacked by the remaining companies and 22 were killed. It is not known how many escaped or how many were in the fort when the attack was made. My radiogram 12018 was in error relative to the captures made at Fort Rivière. There were none captured there. 42 prisoners were captured that day, but elsewhere.

November 25, 1915.

On this day, President Dartiguenave called at the French Legation and formally apologized for the violation of that Legation on July 28, 1915. The Haitian shore battery fired a salute of 21 guns to the French flag. This salute was returned gun for gun by the French Cruiser *Descartes* with the Haitian flag at the main. At 12.40 p. m. the *Descartes* got under way and stood to sea.

November 29, 1915.

North Haiti continues to be patrolled by the marines. This country remains quiet. Captain Campbell's company, which went to Hinche, found the population there and en route apparently delighted to see our troops and that vicinity quiet and orderly.

November 30, 1915.

Colonel Cole, commanding the 1st Regiment of Marines at Cape Haitien, reports that entire North Haiti is quiet, though there are a few scattered outlaws who commit depredations from time to time between Le Trou and the border. Our patrolling continues in North Haiti.

December 11, 1915.

The situation in Haiti remained unchanged on this day, except that a small band of 16 armed bandits, under a leader named Tijacques, pillaged the town of Gross Roches the night of 9–10 December. Marine patrols have been sent out to capture them. There is considerable unrest on the Dominican side of the border in the vicinity of Monte Cristi and Dajabon.

December 13, 1915.

The situation on this day remained unchanged, except that part of the band implicated in the pillaging of Gross Roche were overtaken by a marine patrol. These bandits refused to surrender and broke for the bush, firing a number of shots. One bandit was killed, several wounded, and five taken prisoners by the patrol. Two of the prisoners afterwards escaped. The Haitian authorities at Perches captured two Cacos charged with looting and turned them over to the patrol. These affairs are of very minor nature.

W. B. Caperton.

FINANCIAL AFFAIRS.[13] DIFFICULTIES BETWEEN THE NATIONAL BANK OF THE REPUBLIC OF HAITI AND THE HAITIAN GOVERNMENT. CUSTOMHOUSES TAKEN IN CHARGE BY AMERICAN NAVAL FORCES.

File No. 838.00/1377.

Memorandum re the National Bank of the Republic of Haiti, submitted to the Department of State by Mr. Wehrhane January 4, 1915.

The National Bank of the Republic of Haiti is a French institution, created as a limited liability stock company under the laws of

[13] Continued from For. Rel. 1914, pp. 334–382.

France, having a French charter, as the successor of the old Bank of Haiti, which was entirely owned by French people. The present stock is divided between American and French interests, with a small amount held by German interests.

None of the capital of the Bank was furnished by or are any of the shares of the Bank owned by the Government of Haiti, the only relationship between the Government and the Bank being found in certain contracts providing for a loan by the Bank to the Government of three million francs and a contract under which the Bank performs for the Government the service of the Treasury, receiving all revenues of the Government and making payments therefrom for the account of the Government. The contract with the Bank contemplated an entire reform of the Haitian currency and provided in this connection that the Bank should have the exclusive note-issuing privilege maintaining a gold reserve equal to one-third of the amount of notes so issued. Apart from its contractual obligations, the Bank has in the past under a convention made from year to year voluntarily advanced to the Government the sums necessary to meet certain salaries and governmental expenses.

As a result of almost continuous revolutionary conditions for the last three years, the revenues of the Government have fallen off to such an extent that it can no longer repay the advances made by the Bank, and the Haitian Government is at the present time indebted to the Bank to the extent of approximately one and a half million dollars. Owing to the large indebtedness of the Haitian Government to the Bank, the Bank does not see its way clear to make further loans to the Government, and this refusal is the reason for the present animosity toward the Bank.

Out of the proceeds of a loan made in 1910 to the Haitian Government coincident with the reorganization of the Bank, a sum of ten million francs was set aside for the monetary reform which was to be undertaken under certain conditions. A portion of this sum has been used to retire Haitian paper money under a law of retrait, the operation of which law was suspended on August 14, 1914, on account of the existing serious revolutionary conditions. The remainder of the unused portion of the ten million francs ($2,000,000) is held by the Bank in trust, to be applied toward a monetary reform whenever the necessary legislation shall have been enacted. The original contract provided that the equivalent of ten million francs should be furnished when and as required for purposes of the monetary reform. It did not, however, stipulate that any amount need be sent to Haiti until required for the purpose.

Legislation just now promulgated by the Haitian authorities providing for the creation of a new Bank, for the emission of a large issue of paper money, the forcible taking from the Bank's vaults of $65,000 in gold, are all violations of the contract between the Bank and the Government and these acts put in jeopardy the property and rights, not only of the American holders of the stock of the Bank, but those of the French and German stockholders as well. Even more serious than this, however, are the threats made by Haitian officials of bodily injury to some of the officials and employees of the Bank. These threats have resulted in the forced retirement of the

93072°—F R 1915——32

acting director, Mr. Desrue, the compulsory closing of the Bank and threats of imprisonment and bodily injury to American and French citizens employed in the Bank.

File No. 838.516/42.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, January 4, 1915—10 a. m.

The Department of Foreign Relations has asked, by note received last night, the good offices of the Legation for transmission to Mr. Wehrhane of the following reply to his telegram[14] addressed to the President of Haiti, which was forwarded through the Department and this Legation:

[Translation.]

HENRY H. WEHRHANE,
Vice President National Bank of the Republic of Haiti, New York:

In answer to your telegram the President of Haiti charges me to express his satisfaction at seeing the Bank, actuated by condition of the country, disposed to propose arbitration for the settlement of the difficulties pending and at last decided to an understanding with reference to this matter to be adopted to improve the financial and economic situation of the country.

He regrets, however, not to be able to consent to send to the United States Doctor Heraux, Minister of Finance, accompanied by one or more colleagues, to the end of negotiating agreements and to lay, should there be occasion, the basis of a new budgetary convention. He thinks preferable that the Bank enter into relations with the Haitian Minister at Washington, who will receive full powers to that effect. In the meantime the President thinks that the Bank, previous to any negotiation, would give indisputable proof of the sincerity of its sentiments by consenting to execute without delay the two laws recently voted by the Legislative Body which place at the disposal of the Government certain credit balances of which the payment is imperatively claimed for the urgent necessities of public service.

DR. EDMOND HERAUX.

BLANCHARD.

File No. 838.516/28.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 4, 1915—noon.

We understand threats are made against Williams and other employees of the Bank. Keep in constant communication with the Bank and notify the Government that you are instructed not to permit harm to be done to any American or other foreign employee. Keep us constantly advised of situation.

BRYAN.

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[14] For. Rel. 1914, pp. 379–380.

File No. 838.516/50.

The Haitian Minister to the Secretary of State.

[Translation.]

LEGATION OF HAITI,
Washington, January 11, 1915.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your letter of December 31, last,[15] about the shipment on the *Machias* of moneys allotted for the redemption of the paper money of Haiti.

Confirming my letter of December 29 last,[16] I beg leave to add the following remarks:

I. Under the contract perfected at Port au Prince on September 5, 1910, the Banque Nationale d'Haiti, constituted as a French corporation with its home office at Paris and main establishment at Port au Prince, is really a State Bank which enjoys all the citizenship rights of Haiti and is charged with the Treasury service of the State both at home and abroad. It is even privileged to issue notes regarded as currency with full and unlimited legal tender force throughout the territory of the Republic. Being responsible custodian of public funds and subjected to the supervision provided by the regulations of the Treasury service, it cannot, so far as its relations with the State of Haiti are concerned, claim to be a mere private bank with full freedom of action. Least of all can it be one of its rights deliberately to ignore the provision of the public law of the Nation whose revenues it holds by persisting in regarding as revolutionary a Government that has been constitutionally established.

II. As a matter of fact, the Haitian authorities have at no time offered, attempted or threatened in any way to seize and use for current expenses the whole or any part of the ten million francs allotted for the redemption of paper money. The law of August 14, 1914, and the bill introduced in the Legislature on November 25 last on the subject of issue would suffice, if there were no other circumstance, to show their true intention on this point. On the other hand Port au Prince witnessed no riot, either in December last or earlier, directed at the Bank or imperiling the above-specified fund.

It is, moreover, needless to say that even if, as is wholly improbable, the said fund had been forcibly taken out of the Bank by rioters or revolutionists, the said Bank, in such a case of *vis major*, would have incurred no responsibility and the loss would have been that of the Republic of Haiti, to which the fund belongs.

III. It appears from a search made on December 28 last by one of the examining magistrates of the civil tribunal of Port au Prince that not more than $160,000 were found in the redemption fund where there should have been one million. The consequence is that the amount taken from the deposit is even larger than that stated by the Bank to the Department of State. But no matter what the amount is, the Bank had no right to lay hand upon it except for redemption. Its responsibility cannot be made less by the circum-

[15] For. Rel. 1914, p. 380. [16] Id. p. 377.

stances that the money was removed to some place where it could bear interest, for its assuming guardianship rights of the Republic of Haiti and attempting to supersede by high-handed methods the Haitian Administration in the husbandry of public funds cannot be admitted. And this misuse of a deposit is all the more serious as it is that same Bank, which, as early as August 27, 1914, suspended payments "because of the impossibility of fetching funds for the budgetary convention," that would now expose the redemption fund to the risk of a speculation made even more precarious by the present general crisis.

IV. At all events, the Bank knew, when the funds were put on board the *Machias*, of the presence in Haitian waters of one of the steamers of the Royal Dutch West India Mail, the *Prins der Nederlanden* which usually carries gold and which after sailing from Port au Prince on December 13, last, returned and taking its final clearance on the 18th arrived at New York on the 25th of that month. But that apparently was not what the Bank wanted. It no doubt considered it important to have officers and seamen land from an American gunboat and do unusual service at the risk of stirring up some regrettable agitation. In other words it sought and procured, in contravention of a weak State's rights, an act of moral violence from one of the greatest Powers of the world.

I beg leave to be excused from insisting on the interest the Government of the Republic of Haiti has in maintaining its protest.

Be pleased to accept, [etc.]

SOLON MÉNOS.

File No. 838.516/66.

Minister Blanchard to the Secretary of State.

No. 28] AMERICAN LEGATION,
Port au Prince, January 11, 1915.

SIR: I have the honor to report that in pursuance of the complaint embodied in a letter from the Director of the National Bank of the Republic of Haiti, under date of December 29, 1914, and after conference with the French Minister here, who took a similar course in the defense of the French interests in the Bank, the Legation, pending further instruction, addressed a note to the Foreign Office, dated December 30, 1914, of which a copy is herewith forwarded, making the most express reserves as to the action of the Haitian authorities in executing the decree, rendered by default and in violation of Article 24 of the contract of the Bank, which prescribes that all differences between the Haitian Government and the Bank must be submitted to arbitration.

I also enclose copy and translation of the note verbale, dated January 8, 1915, received from the Foreign Office in reply.

As you will observe, the Foreign Office, after recalling that, according to the contract of the Bank, all diplomatic intervention is formally prohibited and that further, even if such were possible, the fact of the Bank being a French corporation having its principal office in Paris, should exclude in any case American intervention, the French being represented in Haiti by the Legation of the French Republic, informs this Legation in a purely unofficial manner as to

the rights of the Haitian Government in that which concerns the decree of référé of October 20 last, and finally states that the Haitian Government is ready to submit the differences to arbitration, as provided for in Article 24 of the contract of 1910. Of this the Bank was informed.

I have [etc.]

A. BAILLY-BLANCHARD.

[Inclosure 1.]

Minister Blanchard to the Minister for Foreign Affairs.

MEMORANDUM.

AMERICAN LEGATION,
Port au Prince, December 30, 1914.

The director of the National Bank of the Republic of Haiti has informed this Legation that, in execution of a decree of the juge des référés rendered against the Bank on the 20th of October last, by default, the Haitian authorities presented themselves yesterday at that establishment and took from its vaults the sum of $66,910 gold.

The Legation of the United States deems it its duty to make its most express reserves on the execution of the aforesaid decree, rendered under judicial authority and contrary to Article 24 of the contract of the Bank, which specifies that all differences between the Haitian Government and the Bank are to be submitted to arbitration.

[Inclosure 2—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

NOTE VERBALE.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
Port au Prince, January 8, 1915.

By its memorandum of December 30, last, the Legation of the United States set forth that it is its duty to make its most express reserves on the execution against the National Bank of the Republic of Haiti of a decree of the juge des référés rendered on the 20th of October last between the State and that institution. The Legation adds that this execution is contrary to Article 24 of the contract of concession which specifies that all differences between the Haitian Government and the Bank must be submitted to arbitration.

In reply to this memorandum, the Department of Foreign Affairs expresses, first of all, its special satisfaction in noting that the Legation of the United States, in invoking, for mediation, Article 24 of the contract of concession of 1910, testifies to its formal intention, in conformity with the rules of international law, to maintain itself strictly within the limits drawn by this contract.

Under such conditions, it is with entire confidence in the adhesion of the American Legation that the Department of Foreign Affairs reverts again to this double observation: that Article 24, upon which the Legation feels bound to form its reserves, stipulates in express terms, "All diplomatic intervention is formally prohibited," and that, in addition, Article 3 of the contract of concession establishes without question that the Bank is a French corporation having its principal office in Paris, which even if diplomatic intervention were possible, should exclude, in any case, American intervention, the French having to represent them in Haiti the Legation of the French Republic.

It is, therefore, by virtue of the same contract invoked by the memorandum of December 30 last, that the Department of Foreign Affairs is obliged to oppose the intervention of the Legation of the United States.

However, the position of the parties having thus been clearly determined and all equivocation in this regard being dissipated, the Department of Foreign Affairs sees no objection to informing the American Legation, in a purely unofficial manner, as to the incontestable rights of the Haitian Government in that which concerns the decree of référé of October 20 last.

Article 24 of the contract of concession states that in case of a difference between the Government and the Bank the point in controversy shall be submitted to arbitration.

In law any contestation is susceptible of being affected, under normal conditions, by various circumstances.

Hence the distinction established between that which constitutes the basis of the contestation and that which constitutes the incidents.

The basis will remain, in any case, submitted to the competent tribunal—in the present case, to arbitration; whereas, the incident, according to its nature, may necessitate the intervention of another jurisdiction.

It is thus that it is recognized that "the constitution of an arbitral tribunal to decide on the difficulties already arisen and to arise in the liquidation of a company, places no obstacle in the way of the provisional jurisdiction of the juge des référés, in case of urgency." (Pandectes Françaises; Référé No. 380.)

Provided, therefore, that there be urgency, the juge des référés is competent. He decides on the urgency of the case, leaving out entirely the basis of the contestation.

Concerning the present difference, the decree of référé of October 20 has simply decided the absolutely urgent question of the execution of a law of the Legislative Body placing at the disposition of the Executive Power the amounts which are the exclusive property of the Haitian State.

The basis of difference continues to remain entire in spite of the decree of référé.

And it is exactly this difference that the Government is ready to submit to arbitration provided for in Article 24 of the contract of 1910.

File No. 838.516/49.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, January 12, 1915.

Your January 4, noon. Communicated with Williams who states that no threats had been made against him or any employee of the Bank. The only threats made were directed against Desrue, French, director of the Bank, immediately after the taking of the gold. On his complaint, along with the French Minister, I at once called upon the Minister for Foreign Affairs and demanded that he be protected. The Minister although insisting that Desrue was a Frenchman and the Bank a French company in which the stockholders if American were anonymous, courteously accepted my intervention in the light of good offices. He gave us the most formal assurances that Desrue would have full protection adding however that as to his legal liability justice would follow its course. The French Minister is using all his influence to prevent provisional arrest and so far the case is still pending.

BLANCHARD.

File No. 838.516/64.

Minister Blanchard to The Secretary of State.

No. 29.] AMERICAN LEGATION,
Port au Prince, January 15, 1915.

SIR: In compliance with the Department's cable instructions of December 31,[17] received January 2, regarding interference by the Haitian Government in the affairs of the National Bank of Haiti,

[17] For. Rel. 1914, p. 382.

this Legation addressed under date of January 5, 1915, a note to the Foreign Office, copy of which is herewith enclosed, together with copy and translation of the note, dated January 12, received in reply.

As you will observe, the Minister of Foreign Relations states that just previous to the time of the receipt of the above-mentioned note from this Legation, the Haitian Government, by reason of its sincere desire to arrive at a final conciliation with the Bank, had suspended all prosecutions against it; and through the good offices of the Department of State had exchanged propositions of agreement.

After enumerating the several points of this Legation's note of January 5 and before answering the same, the Minister of Foreign Relations declares his reply to be made under the express reserves of the declarations relative to Articles 3 and 24 of the contract of the Bank, made in preceding notes, which articles, as the Department is aware, are the two which establish the identity of the Bank as a French corporation and prohibit all diplomatic intervention.

It will be further observed that after setting forth the functions and identity of the Bank, the Minister of Foreign Relations declares that since certain obligations to the Haitian Government have been created both by its contract and by the laws of Haiti, the Bank for any infraction thereof is amenable to all legal means capable of compelling it to comply with the terms of its contract of concession.

The Minister of Foreign Relations further states that the Government has never intended, and does not intend, "to interfere with the Bank", and only asks to live in harmony with its Treasury; but that if in the course of proceedings begun, or to be begun, for any violation of the penal code, the Bank, with a view to escaping the consequences of its acts, should close its doors, the Haitian Government will be guided in its action by the terms of the contract binding the parties and by the civil code of Haiti which, being the same as that of France, is consequently the civil code of the Bank, a French corporation.

Regarding that portion of this Legation's note relative to "the arbitrary conduct of the authorities with regard to foreign interests", the Minister of Foreign Relations states that he regrets that no specific charge was mentioned, and adds that foreign interests in Haiti are represented by seven legations and a large number of consulates, from none of which has a complaint been received.

On the day after the delivery of the above protest at the Foreign Office, Mr. Williams, the acting manager of the Bank, called at this Legation and stated that there was a very marked change in the attitude of the Government officials toward the Bank; and further stated that every facility had been afforded him to have the money in the different branch offices of the Bank, situated at different towns around the coast, brought to the Bank here at Port au Prince, a measure which he deemed absolutely necessary to enable the Bank to meet the demands for cash which its ordinary transactions required.

Up to the time of this writing the Government has continued in this attitude, and has done nothing further to hinder the operations of the Bank.

I have [etc.]

A. Bailly-Blanchard.

[Inclosure 1.]

Minister Blanchard to the Minister for Foreign Affairs.

MEMORANDUM.

AMERICAN LEGATION,
Port au Prince, January 5, 1915.

In pursuance of instructions from the Department of State, the Legation of the United States protests against any interference with the Bank of Haiti in view of the fact that it is owned and operated by Americans and other foreigners.

In case the Bank is forced to close and cease operations by the present Haitian Government, the Government of the United States will not recognize any forfeiture of the charter of the Bank resulting from such forced closure.

The Legation is further instructed to add that the United States Government is deeply concerned over the reports which have reached it as to the arbitrary conduct of the authorities in dealing with foreign interests in the Republic.

[Inclosure 2—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

DEPARTMENT OF STATE FOR FOREIGN AFFAIRS,
Port au Prince, January 12, 1915.

MR. MINISTER: Through the good offices of the Department of State, propositions of agreement have for some days been exchanged between the Haitian Government and the National Bank of the Republic of Haiti. In its sincere desire to facilitate this agreement, in its clear wish to come to a final conciliation of mutual interests, the Government has suspended all prosecution against the Bank and withholds the acts which it was about to notify to this State's Treasury both in view of the arbitration provided for by the contract and by reason of the charges of guilt raised against it. And it is just at this moment, when it seems that the conflict created by the illegal attitude of the Bank seems to be calmed, that the Legation of the United States, upon instructions of the Department of State, communicated to my Department a memorandum dated January 5th and forwarded to my office on the 7th, which comprises:

1. A protest against any interference with the Bank of Haiti.

2. The declaration that "if the Bank is forced to close and cease operations by the present Haitian Government, the Government of the United States will not recognize any forfeiture of the charter of the Bank resulting from such forced closure."

3. The advice that reports have reached the Government of the United States relative to "the arbitrary conduct of the authorities in dealing with foreign interests in the Republic."

It is, Mr. Minister, under the express reserves of the declarations made in my preceding notes relative to Articles 3 and 24 of the contract of concession of the Bank, that I today reply to the memorandum of January 5.

The National Bank of the Republic of Haiti is bound to the Haitian State by a formal contract which charges it with the service of the Treasury, with the collection of our revenues, with the execution of our budgets, which gives it the formal quality of a functionary responsible for the public moneys, dependent, consequently, upon the Government of the Republic. Hence there exist between this Government and the Bank necessary, obligatory, indispensable relations created as much by the contract itself and natural consequences, as by the laws of the Republic.

Each time that the Bank of Haiti violates the texts which regulate these relations, as it violated them when it refused the Government the assistance which it had pledged itself to furnish it in return for considerable privileges which have been accorded it; each time it violates, as it did on December 17 last in withdrawing and exporting the funds of the Haitian Treasury, the penal law which protects the State against the infidelity of its accountants and depositaries of public moneys; each time it refuses obedience to legislative measures which dispose of the amounts belonging not at all to the cash of a private bank, but to the cash of the National Treasury—under all these cir-

cumstances, the Haitian Government will have the right and the duty to employ against it all legal means to compel it to respect its contract and the laws of the nation.

The Government has never intended and by no means does it intend "to interfere with the Bank"; but it will not tolerate that the Bank, on its side, interfere with the rights and interests of the State. It only asks to live in perfect harmony with its Treasury; it claims from it but one thing; i. e., that it execute loyally its obligations towards the Republic.

If in the course of the just prosecutions which have been commenced or which may tomorrow be exercised against it or its responsible agents—whether for the violations of its obligations, for the criminal act of December 17, or any other infraction of the penal law—the Bank, with a view to escaping from the consequence of the eventual condemnations, thinks that it may close its doors and cease operations, the Haitian Government, to determine its attitude towards it, will be guided by the terms of the contract which bind the two parties and the dispositions of the Civil Code of Haiti which is none other than the Civil Code of France and consequently the civil code of the Bank, a French company.

In that which concerns the reports which have reached the Government of the United States "as to the arbitrary conduct of the authorities in dealing with foreign interests in the Republic," the Department of Foreign Affairs can not but regret that, on a question of such great importance, the memorandum of January 5 did not mention anything precise and confined itself to a vague incrimination.

Foreign interests are represented in Haiti by seven legations and by a large number of consulates. Yet from not one of these various representatives, and not even from the American Legation, has the Department of Foreign Affairs received a complaint against the Haitian authorities. This is a fact absolutely conclusive, which can not fail to attract the attention of the Government at Washington, the vigilant guardian of American interests.

I beg [etc.]

LOUIS BORNO.

File No. 838.516/56.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, January 23, 1915.

Please forward the following message to Wehrhane care of Hallgarten and Company, New York:

Justice of peace wanted to execute order of judge of instruction ordering removal of seal and transportation funds to another banking house, have declared funds property of bank and depositors (not) to permit their removal.

WILLIAMS.

BLANCHARD.

File No. 838.51/382.

AMERICAN LEGATION,
Port au Prince, January 26, 1915.—10 a. m.

By a decree dated January 22 the Haitian Government, declaring that in view of the insufficiency of receipts to meet current public expenses and also expenses which it is indispensable to incur for the suppression of the revolution, authorizes the immediate issue of two million gourdes in Treasury notes of one, two and five gourde denomination to be reimbursed out of the new issue of eight million gourdes paper currency previously authorized.

These notes are now being printed at the government printing office.

BLANCHARD.

File No. 383.516/56.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 26, 1915.—6 p. m.

Your January 23. Say to the Government that this Government can not consent to the removal of funds belonging to the Bank without which it is impossible for Bank to live up to its contractual obligations. Advise the Government that any attempt to remove the Bank's funds will compel you to consider means of preventing such violation of the rights of foreign stockholders.

BRYAN.

File No. 383.516/63.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, February 1, 1915.

Your January 26, 6 p. m. In an interview with the Minister for Foreign Affairs Friday morning I complied with your above instructions. Considering this grave he insisted that it be in writing and accordingly I addressed to him a note confirming verbal communication to which he will reply.

In the conversation he insisted that the Haitian Government had never intended using other than legal means to remove the funds now under seal at the Bank and stated that it was the Bank which had first asked that seals be lifted, claiming the funds to be Bank property and not funds of the retrait as claimed by the Haitian Government. In view of this the judicial authorities called at the Bank to lift seals and remove the fund in controversy to another banking house where it would be placed under seal pending decision. However, his reply will be given in writing.

The facts, as far as I can ascertain, are as follows: The bank having addressed a letter to juge d'instruction stating that contrary to what Mr. Desrue, director of the Bank, had supposed and declared, the funds of the retrait according to a telegram from New York were fully and well conserved by the council of administration, and consequently the funds under seal and all other funds at the Bank and agencies being the property of the Bank or of depositors, asked that seals be lifted. The Government sent judicial authorities to lift seals, also to remove money to another banking house claiming it to be retrait money. This Williams refused after which it was most persistently reported that an attempt would be made to forcibly remove funds.

In view of the possibility of such attempt being made, the Legation, in constant touch with the Bank, was prepared to take the necessary steps to prevent same.

BLANCHARD.

File No. 838.516/80.

Minister Blanchard to the Secretary of State.

No. 33.] AMERICAN LEGATION,
Port au Prince, February 6, 1915.

SIR: Referring to the Department's cable of January 26, 6 p. m., and my February 1, with reference to the removal of the funds from the Bank, I have the honor to report that on the 23rd of January the Foreign Office addressed a note to the Legation, a copy and translation of which is herewith enclosed, stating that on the 15th of January Mr. Williams, director ad interim of the Bank, had forwarded a letter to the juge d'instruction stating that contrary to what Mr. Desrue had declared there was no longer any portion of the retrait fund at the Bank, and further that the funds under seal there belonged to the Bank. In presence of this attitude of the Bank the Haitian Government had determined that justice should follow its course.

I acknowledged receipt of this note and contented myself with saying that the matter would be brought to the attention of the Department, as I did not consider that the Legation should intervene in a difference between the Haitian Government and its Treasury.

Upon investigation it was ascertained that the director of the Bank, Mr. Williams, had, as stated on the 15th of January, addressed a letter to the juge d'instruction which, up to my enquiry, I had neither seen nor been apprized of. In the letter Mr. Williams states that Mr. Desrue, the former director of the Bank, could only make suppositions as to the identity of the funds at the Bank but that subsequent to the time of Mr. Desrue's declaration to the juge d'instruction a telegram had been received from the New York office of the Bank, stating that the funds of the retrait were fully and well conserved by the council of administration. In this letter he requests that the seals be lifted from the funds in the Bank's vaults since they were the private property of the Bank and of private individuals.

Whereupon the Haitian judicial authorities called at the Bank to execute a judicial order which provided for the lifting of the seals of the funds in question but which also contemplated the removal of these funds to another banking house to be placed there under seal. This latter part of the order Mr. Williams reported was not read to him, and it was only on his demand to see the order that he became acquainted with its full contents.

Meanwhile, Mr. Williams had locked his safe and after reading the order refused to allow it to be executed in any particular, and upon advice of the counsel of the Bank declined to sign the procès verbal of the proceedings.

Mr. Williams at once reported to the Legation the above and stated that in his opinion based on all that he had heard with regard to the matter, the Haitian Government would attempt to remove the funds by means of force. He said that in such case it would take at the shortest five or six days to break open the vault. I advised him to let the Government use force effectively inasmuch as the time which would necessarily be required to force open the safe would enable the Legation to take necessary steps to prevent any actual removal of the Bank funds by force.

This attempted removal was reported by Mr. Williams in a telegram which passed through this Legation and the Department.

On receipt of the Department's January 26, 6 p. m., I reported, complied verbally with the instructions therein contained and at the request of the Minister of Foreign Affairs, corroborated the same in a note.

On February 3 the Minister of Foreign Affairs replied and stated that the Haitian Government had never had the intention of using forcible means to remove the amounts under seal at the Bank. Copy of this note is enclosed.

As you will observe in the note from the Foreign Office above referred to, the Minister states that his Department does not intend to renounce its contractual right already affirmed to reject diplomatic intervention, and is ready to submit to arbitration as provided for by the contract of the Bank all differences raised between the parties.

He further states that the Haitian Government in the presence of a profound and general emotion produced by the open hostility, by the unheard-of conduct of the Bank, sees itself constrained to submit to the country, without delay, all the documents, diplomatic or otherwise, which bear on the subject.

This announcement was rendered immediately effective by the publication in Le Moniteur of this note and also of the note dated January 12, 1915, which was enclosed in my No. 29 of January 15, 1915, an unheard-of proceeding and contrary to all diplomatic usage but one which the Haitian Government has of late made constant use of. A communication addressed to the French Minister with reference to the Bank was also published in the same issue.

I have [etc.,]

A. BAILLY-BLANCHARD.

[Inclosure 1—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, January 23, 1915.

MR. MINISTER: The National Bank of the Republic of Haiti has exceeded all bounds. It was not enough to have, disregarding the express terms of its contract, refused all assistance to the Government; to have, on December 17 last, taken from the Public Treasury the sum of $500,000; and finally, to have lured the Government with vain promises of agreement with the sole idea of gaining time, thus further to starve the impoverished people and to augment the embarrassments of the administration. It now makes known to the juge d'instruction, through a letter dated January 15 signed by Mr. Williams, that contrary to the formal declarations of its director, Mr. H. Desrue, there no longer remains in the Public Treasury one single centime of the sum of about $1,000,000 which had been deposited for the service of the withdrawal of the paper money in circulation. It clearly admits, therefore, that this considerable sum, which belongs not to its private funds but to the distinct funds of the National Treasury, has been removed in toto and exported to a foreign country. This removal has been perpetrated secretly, unknown to the Government, in contravention to the rights of the State, in violation of the penal law and the contract which binds the two parties.

But this does not appear to have been sufficient. It dares to pretend that the value which, on the word of its director Desrue, has recently been put under seal as funds of the State, a value which its director himself has represented to the juge d'instruction as a part of the funds of the retrait, is the private prop-

erty of the National Bank! The vault of the Public Treasury would therefore be empty! The funds deposited in this vault as guaranties of public contracts and special functions, the sums of which the presence in this safe is established by the two laws of the 18th and 23rd of December last and by other official documents, all these sums would therefore have vanished.

An attitude so violent on the part of the Bank does not permit the Government to remain for a longer time inactive. Before the admitted criminal act of the complete taking of the funds of the retrait and in the presence of the disguised menace to seize (accaparer) the funds of the State recognized as such by Director Desrue, a measure imposes itself, that of safeguarding the funds of the Republic by taking them from a dishonest Treasury, unworthy of the confidence of the country. The Government could not hesitate. Respectful of the law, it has requested justice to act.

In bringing these facts to your knowledge, the Department of Foreign Relations does not intend to renounce its contractual right, already several times affirmed, to reject diplomatic intervention. It intends simply to fulfill a duty of courtesy towards your Government in declaring its firm determination to submit to arbitration, provided for by the contract with the Bank, all the differences raised by the parties.

Moreover, I advise your excellency that the Haitian Government, in the presence of a profound and general emotion produced by the open hostility, by the unheard-of conduct of the National Bank, sees itself constrained to submit to the country, without delay, all the documents, diplomatic and otherwise, which bear on the subject.

It is of importance to the Republic that the public be informed. It is of the highest importance that it be known that this country, which scrupulously pays its exterior debt, is not, as an interested press pretends, a country in bankruptcy; that the financial difficulties of the present situation arise primarily from the European war and that the campaign of calumnies carried on against us by certain subsidized or deceived newspapers, is the odious work of the bankers without conscience, without honor, whose principal object is to injure our national independence.

To defeat this maneuver the Government of the Republic firmly counts upon the cooperation of your Legation and upon the cooperation of your Government fully and loyally informed.

I beg [etc.]

LOUIS BORNO.

[Inclosure 2—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, February 3, 1915.

MR. MINISTER: By a note dated January 29 last,[8] the Legation of the United States notifies my Department that

> the American Minister has been instructed to say that the Government of the United States cannot consent to the removal of funds belonging to the Bank without which it is impossible for it to live up to its contractual obligations, and to advise the Haitian Government that any attempt to remove the funds of the Bank will compel him to consider means of preventing any such violation of the rights of foreign stockholders.

This note is the exact repetition of the verbal statement which your excellency had made to me the same day, of which I had had the honor to request of you written confirmation.

It referred to the amounts placed under seal on December 28, 1914, by the juge d'instruction by virtue of the affirmation by the Bank itself that the said amounts belong to the Haitian Treasury as representing a portion of the funds of the retrait. The Bank had affirmed at the same time, by word of mouth and over the signature of its director, that there was held in addition, in its branches, the sum of $221,180 belonging to the same fund of the retrait, i. e., to the Haitian State. The Bank, in defiance of all these affirmations, later believed it had discovered that the amounts belonged to its private funds and, so that they might be used, demanded the lifting of the seals; the Haitian Government, which affirms and has irrefutable reasons to affirm its right of

[8] Not printed.

ownership of the funds, hastened to approve of lifting the seals, but demanded that the amount seized be deposited in the hands of third parties instead of being in possession of the Treasury, whose conduct had removed all right to the confidence of the State. The Bank refused to allow the lifting of the seals.

The amount seized is therefore up to this hour on deposit at the National Bank, where the Government has never had intention to go to take it by violence.

When a judicial decision, regularly obtained, shall have recognized the evident rights of the State, the National Bank, then brought back, it is hoped, to the normal conviction as to its duties and to a more just appreciation of its interests, will voluntarily submit itself thereto and thus avoid the forcible execution which the law sanctions in every country.

I have [etc.],

LOUIS BORNO.

File No. 383.516/70.

The National Bank of the Republic of Haiti to the Secretary of State.

NEW YORK, *February 9, 1915.*

SIR: We beg to advise you that we have been informed by the acting manager (Mr. Williams) of the Banque Nationale de la République d'Haiti at Port au Prince that the Haitian Government has taken from the Bank the entire Treasury service of the Haitian Government; and we have been further advised, through cables from the American Minister at Port au Prince transmitted to your Department, that the taking of this service from the Bank is in pursuance of an official decree published in the official journal of the Government, ordering this removal of the service of Treasury from the Bank, and basing this action upon the alleged refusal of the Bank to receive in settlement for certain accounts the new gourdes, which the present unrecognized Government of Haiti is now about to issue to the extent of 16,000,000 gourdes.

The Directors of the Banque Nationale de la République d'Haiti desire hereby to enter with your Department a most formal protest against the action as above recited of the Haitian Government, as the withdrawal of the service of the Treasury from the Bank is a direct violation of the contract existing between the Haitian Government and the Bank for the performance of such Treasury service, and is not in any way justified by any overt act or any act of omission or commission on the part of the Bank to the best knowledge of its Directors.

Throughout the recent political disturbances in Haiti, the Directors of the Bank have taken great pains to see that the Bank observe in every detail the obligations of its contract, and the Directors have every reason now to believe that the recent unfriendly attitude and actions on the part of the Haitian officials of Government toward the Bank are due solely to the refusal of the Bank to advance money upon demands which had been made for loans without any adequate security.

The directors of the Bank have in their endeavors to maintain the good will of the Haitian Government and their desire to assist that country as far as they legitimately can, permitted the Bank to assume an amount of indebtedness of the Haitian Government very considerably beyond the limits provided for either in the Bank contract or under the rules which would ordinarily govern a bank man-

ager in the prudent conduct of the affairs of such an institution. A point has now, however, been reached where the demands have become a menace not only to the Bank but to its personnel in Haiti. The attempt of the present de facto Government to pass legislation (such as the issue of the proposed 16,000,000 gourdes) which is in direct and complete violation of good faith, assails the integrity of the existing agreements between the Bank and the Haitian Government.

We beg [etc.],

BANQUE NATIONALE DE LA RÉPUBLIQUE D'HAITI.
HENRY H. WEHRHANE, *Vice President.*

File No. 383.516/71.

NEW YORK, *February 10, 1915.*

SIR: Referring to our communication of the 9th inst., making protest against the action of the present de facto Government of Haiti in taking from the Banque Nationale de la République d'Haiti the function of Treasury of the Government, which the Bank has been performing in accordance with a contract existing between the Haitian Government and the Bank, we beg now to inform you that we have just been advised that the officials of the Haitian Government have ordered that customs duties be paid over to various merchants designated by the Haitian officials, instead of having these duties paid into the Bank as heretofore has been the procedure under the existing contract.

Our advices further indicate that in making this arrangement for the payment of duties to the merchants, the Haitian officials are ignoring all provision in respect of the interest and sinking-fund payments on the foreign debt, and only make reserve in respect of interior loans. All of this procedure is not only an absolute violation on the part of the Haitian Government of the contract existing between the Haitian Government and the Bank, but also a violation by the Government of its agreement with the holders of its foreign debt, most of which is held in Europe. This action is certain to result in serious complications in the final adjudication of Haiti's already very much involved financial affairs.

We beg [etc.]

BANQUE NATIONALE DE LA RÉPUBLIQUE D'HAITI.
HENRY H. WEHRHANE, *Vice-president.*

File No. 838.516/72.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, February 11, 1915.

At the request of Bank, Legation protested on the 9th instant by note to the Haitian Government against the issue of Treasury notes and also against the taking of the Treasury service from the Bank as violating contract of Bank and therefore injurious to American interests therein. French Minister has also filed protest.

BLANCHARD.

File No. 838.516/75.

AMERICAN LEGATION,
Port au Prince, February 13, 1915.

My February 11. By note received to-day Legation's protest rejected by Haitian Government on the ground that Legation not qualified to protest for a French company. States French Minister here only proper person to do so. Particulars by mail.

BLANCHARD.

File No. 838.516/71.

The Secretary of State to the National Bank of the Republic of Haiti.

DEPARTMENT OF STATE,
Washington, February 13, 1915.

SIR: The Department of State acknowledges the receipt of your letters of February 9 and 10, 1915, in which you make a formal protest against the action of the Government of Haiti in taking the Treasury service away from the National Bank of Haiti, and also the endeavor of the Haitian Government to force the National Bank of Haiti to accept as legal tender the last issue of paper money.

In this connection you are informed that the American Minister at Port au Prince, under date of February 11, reported by telegraph that at the request of the Bank he had on the 9th instant protested by note to the Haitian Government against the issue of Treasury notes and also against the taking of the Treasury service from the Bank, on the grounds of violating the contract between the Government of Haiti and the Bank.

On February 13 the Department telegraphed to Mr. Blanchard and informed him that his protest was approved by the Department.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 838.516/78.

Minister Blanchard to the Secretary of State.

No. 38.] AMERICAN LEGATION,
Port au Prince, February 15, 1915.

SIR: Referring to my cables of February 11 and February 13 with reference to the protest of this Legation in support of the protest of the Bank against the execution of the decrees of January 22 and 27, the one with reference to the emission of Treasury notes to the amount of two million gourdes, the other taking from the Bank the service of the Treasury of the State, I have the honor to enclose herewith copy and translation of a note[8] from the director ad interim of the Bank, dated February 2, 1915, forwarding to this Legation copies of the protest of the Bank in this matter; and also copy and translation of another note[8] under date of February 3, 1915, requesting the Legation to sustain the protest above mentioned.

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[8] Not printed.

In pursuance of this request, this Legation on February 9 addressed a note to the Foreign Office, copy of which is herewith enclosed, protesting against the aforesaid measures as constituting a formal violation of the contract of the Bank and thus compromising American interests in that institution, as reported in my cable of February 11.

Under date of February 13, the Foreign Office addressed to this Legation a note in reply, in which, as you will observe, the Minister of Foreign Affairs lays particular stress, once again, upon the fact that the Bank is a French company, and on this ground repulses the protest of the Legation of the United States as not qualified, the French Minister being the only proper authority here to protest in favor of a French moral person.

After stating the above, the Minister adds as a matter of information for the Legation that the National Bank having violated Articles 12, 15 and 16 of its contract, having refused to the Haitian Government the financial cooperation which it had contracted to furnish, having removed from the Public Treasury a considerable amount, and obstinately retaining in its possession other sums belonging to the State, has added to the case of force majeure created by the European war a new case of force majeure which has placed the Government in the imperative obligation of providing for public administration and national existence.

He concludes, as you will further observe, by stating that if the Bank is not in accord with the Government, Article 24 of the contract provides a means of settling the differences by arbitration, and that the Haitian Government is ready to submit thereto the questions at issue.

The French Minister has received from the Department of Foreign Relations, in reply to his protest, a communication embodying the information furnished this Legation on the subject.

The Director of the Bank has been apprised of the contents of the note of the Department of Foreign Relations addressed to this Legation.

I have [etc.]

A. Bailly-Blanchard.

[Inclosure 1.]

Minister Blanchard to the Minister for Foreign Affairs.

American Legation,
Port au Prince, February 9, 1915.

The Banque Nationale de la République d'Haiti has brought to the attention of the Legation of the United States, as violating the rights of the Bank and the American interests therein engaged, the decrees of January 22 and 27, one with reference to the emission of Treasury notes up to the amount of two million gourdes, the other taking from the Bank the service of the Treasury of the State.

The Legation of the United States protests against these measures, which constitute a formal violation of the contract of the Bank and thus compromise the American interests in this institution.

93072°—F R 1915——33

[Inclosure 2—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

DEPARTMENT OF STATE FOR FOREIGN RELATIONS,
Port au Prince, February 13, 1915.

MR. MINISTER: The Legation of the United States made to my Department on February 9 a protest against the presidential decrees of January 22 and 27 which constitute, according to it, "a formal violation of the contract of the Bank and thus compromise the American interests in this institution."

In response to this note, I see myself obliged again to call your attention to the fundamental fact that the contract which your Legation invokes to protest against the acts of the Haitian Government determines that the Bank is a company of French nationality. It is with this French company that the Haitian Government has contracted and it is absolutely incontestable, according to law, that this company could not cease to be French because of American interest therein.

My Department consequently rejects, as incompetent, the protest of the Legation of the United States presented for a French moral person, depending, in this respect, on the French Legation at Port au Prince.

The situation thus put in point, the protest thus set aside, the Department, always disposed not to refuse any useful information, does not hesitate to say to your excellency that the National Bank of the Republic of Haiti having violated Articles 12, 15 and 16 of its contract, having refused to the Government the financial cooperation which it engaged itself to furnish to it, having conveyed away from the public vault considerable amounts, and obstinately retaining in its possession other sums which belong to the State, has added to the case of force majeure already created by the European war a new case of force majeure which has placed the Haitian Government not only in the evident right, but in the imperative obligation itself to provide the service of the public administration and national existence.

The Government has the conviction to act in the fullness of its rights. If the Bank is not in accord with it, it has only to conform itself to Article 24 of its contract, which obliges the two parties to submit their differences to arbitration.

The Government of the Republic declares itself ready to submit to this arbitration the questions in debate.

Please accept [etc.],

LOUIS BORNO.

File No. 838.51/385.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, February 20, 1915.

MR. SECRETARY OF STATE: I repeatedly have had occasion to remind your excellency, as well as your predecessors, of the importance of French interests in Haiti and of the Government of the Republic's desire, assuredly a legitimate desire, that they be not imperilled.

The contingency of a financial reorganization of that Republic on the initiative of the United States was notably the object of several letters and conversations in the course of which I pointed out that France should naturally be taken into partnership in those measures not only because of the predominant importance of her financial interests in Haiti, notably in the Bank of that country, but also because of the ties of various kinds subsisting between my country and that land that was formerly French. In the opinion of the Government of the Republic there could arise no legitimate international rivalry on that point since no other nation holds the peculiar situation that France occupies toward Haiti.

By reason of the disturbed condition prevailing in the Haitian Republic and of the indications it has again had from Port au Prince as to the aforesaid plans, my Government desires me to recall to your excellency's mind the position it takes on that matter.

I am directed to remind you also that, in the course of the several conversations I have had the honor to have with you on the subject, you were pleased to assure me that in any event the finances, customs and various concessions would be maintained on a footing of strict economic equality and that no régime would be established discriminating against us in favor of the United States in a French-speaking country to whose development it is even so important that its relations with France be not impaired.

I am certain, from the intentions which your excellency kindly discloses to me, that the sanctioning of any such inequality does not enter your mind, and I shall be very thankful to you if you would kindly enable me so to assure my Government.

Be pleased [etc.]

JUSSERAND.

File No. 838.51/407.

The National Bank of the Republic of Haiti to the Secretary of State.

[Translation.]

WASHINGTON, *August 7, 1915.*

MR. SECRETARY OF STATE: According to reports published in the press of the United States, the American authorities have taken over the several public services of the Republic of Haiti at Port au Prince and Cape Haitien, in particular the collection of customs duties.

Now the terms of Article 14 of the concession contract of the National Bank of the Republic of Haiti explicitly state the rights and duties of that institution in respect to the collection and distribution of the said duties; it reads as follows:

> The Bank will have exclusive charge of the service of the State Treasury both at home and abroad. Under that head it shall receive all moneys due the State when collected and in particular the customs duties on imports and exports. Likewise it shall effect, within the limits set forth in Article 15 hereinbelow, all payments for the account of the State including the service of interest and amortization of the public debt.

The greater part of customs duties have been pledged to holders of foreign and domestic bonds and also to the beneficiaries of certain debts incurred by the Republic in connection with railway, electric lighting, public works and other contracts.

In addition, most of the agreements between the Haitian State and its creditors provide that it will be the Bank's duty to pay over to those entitled thereto the part of the duties that is their due; for instance, in the case of the 1910 loan, by far the most important, Article 19 says:

> During the whole life of the loan the duties hereinabove pledged shall be directly collected for the account of whom it may concern by the attorney of the National Bank of the Republic of Haiti designated by the Bankers as their representative to that effect.

Article 4 of the 1912 loan and Article 5 of the 1913 loan, which are identical, provide that:

The National Bank of the Republic of Haiti shall ex-officio credit the bond account with the amount pledged and, also ex-officio, upon a mere notice to the Department of Finance, distribute the proceeds thereof which will be used first for the payment of interest and next for the amortization of the capital.

Under the conditions and for the protection of the interests involved I have the honor to bespeak your high intercession, Mr. Secretary of State, with a view to having the requisite orders issued to turn over to our treasury all moneys collected on customs receipts, in accordance with the contracts and conventions.

Again, permit me to draw your attention to the particularly grave turn for the creditors of the State taken by the situation since the late events that have taken place in Haiti.

There is no longer any government at ports that are not occupied by the forces of the United States; customs duties are collected by the local authorities; since those moneys have ceased being turned over to us in violation of the pledges which I have had the honor to recite to your excellency the said authorities use them as they see fit and avail themselves of them to subsidize revolutionists whose access to power they are interested in favoring.

Such a condition of affairs not only injures the interests of the National Bank of the Republic of Haiti, it also, as I have just had the honor to explain to your excellency, is very harmful to the other creditors of the Haitian State.

I beg [etc.]

BANQUE NATIONALE DE LA RÉPUBLIQUE D'HAITI.
CASENAVE, *President.*

[Inclosure—Translation.]

Memorandum submitted by the National Bank of the Republic of Haiti to the Department of State.

According to the Monitor, the official newspaper of Haiti, there had been received by the Haitian Government, by July 10, 1915:

20 cases of 2-gourde bills, numbered 1 to 20. Cases 1 to 11, and 13 had been opened and submitted for signature, making ---------- 1,200,000 gourdes.
There remained in deposit cases 12, and 14 to 20, making---- 800,000 gourdes.

Notices from Port au Prince dated July 17 announced the shipment to New York of $16,000, representing the cost of 1,000,000 gourdes in 2-gourde bills, which were to be shipped immediately; these same notices stated that the board of supervision of the issue was signing about 40,000 gourdes a day, they being absorbed by the current service and the expenses incident to the revolution.

It is impossible to tell the exact amount of bills placed in circulation. The Monitor of July 14 publishes a notice stating that the bills bearing numbers 35,001 to 35,500 were signed by mistake by another supervisor than the one who should have done it.

Generally speaking, the following procedure was followed:

The cases containing the bills were delivered sealed, just as they arrived, to the board of verification, which inserted in the Monitor a record of receipt of the cases. As fast as the cases were opened for delivery for signature, this board drew up a memorandum of the number of bills found in the open cases. This memorandum was likewise inserted in the Monitor.

According to the latest information, 1,200,000 gourdes had been submitted for signature.

It would be well for the American Government to take charge of the cases of unsigned bills. Each case should contain 50,000 2-gourde bills.

WASHINGTON, *August 6, 1915.*

File No. 838.51/407.

The Secretary of State to the National Bank of the Republic of Haiti.

DEPARTMENT OF STATE,
Washington, August 12, 1915.

SIR: The Department acknowledges the receipt of your letter of August 7, 1915, in which, referring to press reports as to the taking over of certain public services in Haiti by the American forces now in that country, and citing various articles of the Bank's contract with the Government and the terms of several loan agreements with the Republic, in each of which it is especially stipulated that the Bank shall receive on Government deposit all customs receipts and perform certain other Treasury functions, you request, in the name of the Bank, that orders be given by the Department to the effect that such customs duties as are collected in Haiti be deposited with the Bank.

In reply I have the honor to inform you that, according to the reports received from the American Chargé d'Affaires at Port au Prince, Haiti, after consultation with Admiral Caperton, the Commanding Officer of the American forces in Haitian waters, the Bank was instructed to collect customs revenues in Port au Prince, the branch office having already performed that function in Cape Haitien.

The general situation in Haiti, to which you refer in the closing paragraphs of your letter, is receiving the most careful consideration of this Government and in this connection the memorandum submitted with your letter will have due attention.

I am [etc.]

ROBERT LANSING.

File No. 838.51/407.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington August 12, 1915.

Department informed that cases of gourdes have arrived and are arriving from New York and that these are being signed and placed in circulation by the board of verification. To July 10, 1915, twenty cases of two-gourde bills had arrived in Haiti, according to Department's information, and certain remittances to New York lead the Department to believe that further issues are shortly to be put into circulation. Consult with Admiral Caperton and take such measures as are needful to secure cases of gourdes on arrival, placing them under Legation's seal until such time as you are instructed regarding their release.

LANSING.

File No. 838.51/560a.

The Secretary of State to the Secretary of the Navy.

[Extract.]

DEPARTMENT OF STATE,
Washington, August 18, 1915.

SIR: In order that duties upon imports and exports paid by merchants and shippers in Haiti to those now in control of customhouses may not be lost to the Haitian people, and in order to provide funds for organizing and maintaining an efficient constabulary, for conducting such temporary public works as will afford immediate relief through employment for the starving populace and the discharged soldiery, so as to bring that peace and contentment to Haiti which is the sole purpose and desire of this Government, and, finally, for supporting the Dartiguenave Government, I have the honor to request that you will be good enough to have instructions issued to Admiral Caperton to assume charge of the following customhouses of Haiti: Jacmel, Auxcayes, Jérémie, Miragoana, Petit Goave, Port au Prince, St. Marc, Gonaives, Port de Paix, Cape Haitien.

The American officials to be placed in charge of these customhouses should be supplied with the customs guards necessary to efficiency in each instance, and they should be ordered to collect all import and export duties, which shall be immediately deposited by them with the respective local branch of the National Bank of Haiti, in a separate account opened in the name of the Admiral, and which shall be drawn against for the purposes mentioned above, the surplus to be held for the time being by the United States Government in trust for the people of Haiti.

If it be found practicable, it might prove most expedient to detail a small vessel, preferably the *Eagle*, to convey the necessary American officials to each of these ports and to keep in touch with the several units.

I have [etc.]

ROBERT LANSING.

File No. 838.51/409.

The Secretary of the Navy to Admiral Caperton.

[Telegram—Paraphrase.]

NAVY DEPARTMENT,
Washington, August 19, 1915.

In accordance with the desires of the State Department, you are directed to assume charge of the following custom houses: Jacmel, Aux Cayes, Jérémie, Miragoane, Petit Goave, Port au Prince, St. Marc, Gonaives, Port de Paix, Cape Haitien. You will use the funds that are collected for organizing and maintaining an efficient constabulary, for conducting such temporary public works as will afford immediate relief to the discharged soldiers and starving populace by giving them employment, and finally for the support of the Dartiguenave Government. The American officials placed in charge will be supplied by you with the necessary customs guards. You will

direct these officials to collect all import and export duties and deposit same immediately with the respective local branch of the National Bank of Haiti under separate account opened in your name. This account should be drawn against for the purpose mentioned above. For the time being any surplus of this account will be held in trust for the people of Haiti by the United States Government.

DANIELS.

File No. 838.51/413.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, August 23, 1915.

Referring to your August 12. Dutch boat arrived yesterday. No gourdes aboard. Representative of Banknote Company has just been in to show me a cable from New York saying that no more shipping until advised by him.

DAVIS.

File No. 838.00/1269.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, August 24, 1915.

SIR: I have the honor to forward herewith, for your information, a copy of a report, dated August 13, 1915, received from the Commander of the Cruiser Squadron, Atlantic Fleet, relative to conditions in Haitian waters from August 7 to 12, inclusive.

Very sincerely yours,

W. S. BENSON.

[Inclosure—Extract.]

Admiral Caperton to the Secretary of the Navy.

PORT AU PRINCE, *August 9, 1915.*

43. Last January the Treasury service, by an arbitrary act, was taken from the National Bank of Haiti, the National Treasury, and given to private banking firms, the principal one of which is Simmond Frères. Simmond Frères is under no control that will safeguard public interests. They merely make collections of the revenues, receive a certain percentage as their fee, and turn the rest over to whomsoever may exercise sufficient force or persuasion in the name of a government or revolution to obtain it. The result is that considerable money is being thus forced from Simmond Frères by the so-called revolutionary committees in various towns, and this money is being used to actively support revolutionary activity. On account of military necessity, therefore, I this day informed the committee in Port au Prince, Simmond Frères, and the National Bank of Haiti, that the Treasury service would be resumed by the National Bank of Haiti. This bank is under legal and exacting contract for the handling of the Treasury service for the country.

August 10, 1915.

54. I made arrangements this day with the National Bank of Haiti for the payment of ten gourdes to each soldier and one hundred gourdes to each chief disarmed and dismissed in the North.

55. I informed the commanding officer of the *Connecticut* that the National Bank of Haiti had resumed the Treasury service and had issued instructions

to its representatives at Cape Haitien to pay the soldiers disarmed at that place. I directed the *Connecticut* to get in touch with the representatives of the Bank at Cape Haitien, make necessary arrangements for paying these troops, and supervise the payment himself.

W. B. CAPERTON.

File No. 838.00/1280.

Admiral Caperton to the Secretary of Navy.

[Telegram—Paraphrase.]

PORT AU PRINCE, *September 1, 1915.*

Will occupy and begin to administer customhouse at Port au Prince at 10 o'clock, September 2, unless otherwise directed.

CAPERTON.

File No. 838.00/1308.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, September 15, 1915—10 a. m.

Haitian Government has forwarded to this Legation copy of a formal protest addressed to it by the German Minister which states American occupation and management of customs prejudicial to German interests. Cites Admiral Caperton's statement as to disposition to be made of customs receipts, which statement does not contain provision for payment of funds due different German interests here.

DAVIS.

File No. 838.00/1308.

The Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 15, 1915, 6 p. m.

Your September 15, 10 a. m. It would seem desirable that Haitian Government make reply to the effect that legitimate German interests will be accorded the same equitable and impartial treatment as will be given to all foreigners and foreign interests in Haiti.

LANSING.

File No. 838.51/418.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, September 21, 1915—4 p. m.

Government expects 500,000 gourdes to arrive from New York on Friday which it expects receive and issue. Please instruct as to action should gourdes arrive. Are instructions regarding the same given before the Government recognized still in force?

DAVIS.

File No. 838.51/418.

The Acting Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 22, 1915.

Your September 21, 4 p. m. Aside from the question as to the advisability of the issuance of so large an amount of paper money, the Department understands that the law passed by the Haitian Congress for this purpose violated the contract with the National Bank of Haiti, whereby the Bank was given exclusive privilege to issue bank notes, and also contravened the stipulations of the 1910 loan contract. It was therefore a matter of considerable satisfaction to learn through your cable of September 14, 8 p. m.,[18] that it was the intention of the Haitian Government to obtain the repeal of this law; moreover, the Department consented to use its good offices to arrange for the temporary loan desired by the Haitian Government for $1,500,000 on the express understanding that there would be no further emission of these gourdes. The Department likewise undertook to obtain an immediate advance of $100,000 for the pressing needs of the Haitian Government, upon ratification of the treaty.

The Department believes that a further issue of this paper money would be unwise and further complicate the financial situation and render still more difficult efforts for the rehabilitation of the finances of Haiti contemplated in the treaty signed on the 16th instant.

The Department, therefore, desires you to consult with Admiral Caperton to the end that the cases of gourdes be held for the time being and should their delivery be requested by the Haitian authorities, you may bring the foregoing to the attention of President Dartiguenave and obtain his consent to their retention either in the manner suggested in the Department's instruction of August 12, or in some other way which would ensure their safety.

POLK.

File No. 838.00/1330.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, September 23, 1915.

SIR: I have the honor to forward herewith copy of letter of instructions, customs and civil administration, from Commander, Cruiser Squadron, U. S. Atlantic Fleet, commanding United States forces in Haiti and Haitian waters.

Very sincerely yours,

JOSEPHUS DANIELS.

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[18] See Conclusion of a Treaty, etc., p. 446.

[Inclosure.]

Admiral Caperton to the American Forces in Haiti.

PORT AU PRINCE, *September 6 1915.*

LETTER OF INSTRUCTIONS: CUSTOMS AND CIVIL ADMINISTRATION.

1. In order to relieve the detachment commanders from the duty of disbursing funds, and in view of the fact that the Navy Department has detailed sufficient bonded disbursing officers for duty with the forces in Haiti and Haitian waters to provide one for each port occupied, the following instructions are substituted for those contained in reference (b) [Issued August 24, 1915 [8]].

CUSTOMS ADMINISTRATION.

2. The Squadron Commander will administer the customs through an administrator of customs, who will be established at Port au Prince. The administrator of customs will have general charge of the collection of customs duties at all ports and the depositing of receipts, in accordance with instructions given by the Squadron Commander and in accordance with the Haitian law not inconsistent with these instructions. For the purpose of insuring uniformity of administration, the administrator of customs is authorized to issue directly to the local collectors such detailed instructions as may be necessary relative to the customs collection, depositing of receipts, keeping of accounts, rendition of returns, and such other administrative matters as come within his province.

3. The collector of customs at each port will administer the customhouse and captain of the port's office at the port where he is stationed, under instructions from the administrator of customs. He will also act as disbursing officer for all payments made at the port where he is stationed.

CIVIL ADMINISTRATION.

4. Detachment commanders will have charge of such other civil affairs as may be assumed within the limits of their respective commands, and will control the disbursements of funds alloted by the Squadron Commander to meet obligations incurred thereby.

DISBURSEMENTS.

5. Disbursements will be made under the following heads:

Constabulary: for the organization and maintenance of an efficient constabulary.

Public Works: for conducting such temporary public works as will afford an immediate relief through employment for the starving populace and discharged soldiers.

Military and Civil Government: for the maintenance of such military and civil governments as the United States may establish.

Customs Service: for expenses of maintaining the customs service, including captain of the ports' offices.

6. Detachment commanders will submit to the Squadron Commander by radio not later than the 25th of each month, confirmed by letter, estimates covering the funds desired under each head for each town for the coming calendar month. Collectors of customs will furnish detachment commanders with estimates for customs service to be included in above mentioned radio message.

7. Funds will then be allotted by the Squadron Commander from the funds on deposit in the local branch of the National Bank of Haiti in each town; and the funds so allotted will be placed to the credit of the collectors of customs in those local banks.

W. B. CAPERTON.

[8] Not printed.

File No. 838.51/421.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, September 26, 1915.

Following instructions your September 22, 500,000 gourdes which arrived on Friday are being held in customhouse. As a result of long interview with the Minister for Foreign Affairs and Minister of Finance regarding same, I respectfully submit that Haitian Government should be allowed to issue this money for the following reason. The Haitian Government has less than 250,000 gourdes and is receiving no customs receipts. Payment of salaries and expenses has already begun, the Haitian Government having counted on this money without which payments will have to be suspended with great loss to Government prestige. Immediate placing of this money in circulation will greatly relieve suffering and will strengthen Haitian Government position before Haitian Congress. The Haitian Government is using its best efforts to secure treaty ratification but knowledge of intention of the United States to withhold delivery of gourdes is being used by opposition to embarrass the Haitian Government and to prevent ratification. Issue of this relatively small amount of money can not materially affect financial situation but withholding same may seriously jeopardize entire treaty negotiations. Haitian Government reiterates intention of no further issue and states that when this decision was taken the present shipment was already en route and paid for and not intended to be covered by repeal law, its use being contemplated to tide over interval until ratification was secured. Minister of Finance further states that knowledge of withholding delivery is being used for speculative purposes and would result in considerable loss to the Haitian Government if gourdes are not available. In view of extreme importance of conclusion of treaty at this time and the embarrassment of the Haitian Government due to above stated conditions, request an early reply.

DAVIS.

File No. 838.51/422.

Admiral Caperton to the Secretary of the Navy.

[Telegram—Paraphrase.]

PORT AU PRINCE, *September 26, 1915.*

It is the desire of the Haitian Government that the 500,000 gourdes, ex steamer *Fauna* but now in the customhouse, be issued; Paymaster Conard has devised the following plan: Notes to be signed by the National Bank, thus issuing the first installment of own circulation in accordance with its contract. From funds in hand the required reserve will be set aside. The notes thus signed will be turned over to the Haitian Government immediately after the convention's ratification. The rate of exchange of bank circulation being five to one, the delivery of these notes will constitute the loan of $100,000 by the Bank, mentioned in the dispatch from the State Department

to the Chargé d'Affaires. This plan is approved by the Bank which has cabled its New York office for necessary authorization. The Bank in conference with Conard regarding further steps for retirement of Government paper and nickel currency to be promptly undertaken if the above plan is carried into effect. It is believed that the issuing of notes as above planned will satisfy the Government of Haiti since they really object to the loss of prestige resulting from the suppression of these notes. Will also indicate desire the Bank to assist in carrying out contract settling difficulties. There has been no discussion of this matter with the Haitian Government, and if the plan is approved, it is requested that the Chargé d'Affaires be given the authority from Washington to negotiate on that basis in conjunction with my representative, Paymaster Conard. No knowledge of the Chargé d'Affaires' despatch to the State Department was had on preparing this message.

CAPERTON.

File No. 838.51/421.

The Acting Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 27, 1915.

In view of contents of your September 26, the gourdes may be made immediately available to the Haitian Government provided that some such arrangement as that proposed by Admiral Caperton in his telegram of September 26 be adopted, which will be to the satisfaction of the Bank and secure prompt ratification of the treaty.

The Department feels confident that shortly after ratification of the treaty and the conclusion of a modus vivendi, funds will be forthcoming to provide for every legitimate necessity of the Haitian Government.

POLK.

File No. 838.51/423.

Chargé Davis to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, September 29, 1915.

Referring to the Department's telegram of September 27. Paymaster Conrad and I had an interview with Minister for Foreign Affairs and Minister of Finance this morning. The Haitian Government believes its relations with Bank should remain in statu quo until such time as all differences between them can be settled and therefore Bank guaranty of notes inadvisable and declares it unacceptable. However, the Haitian Government is seriously embarrassed by lack of funds with which to continue payments already begun. I am convinced that the Government is using its best efforts to secure ratification by Congress but its efforts are being seriously hampered and ratification endangered by the withholding of the

gourdes. If the Department still thinks that gourdes now held should not be issued, respectfully submit that some other arrangements be made to provide the Government with funds with which to live pending ratification. I suggest that either immediate loan of $100,000 be arranged or authorization given for customs officials to deliver this amount in gold or its equivalent in gourdes as the same becomes available. In view of the importance of the above with reference to efforts of the Government to secure ratification, an early reply requested.

DAVIS.

File No. 838.51/427.

Admiral Caperton to the Secretary of the Navy.

[Telegram—Paraphrase.]

PORT AU PRINCE, *September 30, 1915.*

With regard to the issue of 500,000 gourdes the Haitian Government does not wish to enter into any joint agreement with the Bank and therefore no such plan can be accepted. At the same time having counted definitely on using the bills now withheld by me, the Haitian Government claims to be seriously embarrassed. Need for immediate funds seems to be real. Am I authorized to furnish Haitian Government such funds as can be spared from customs receipts if the State Department does not intend to release bills without condition nor to provide loan prior to ratification of treaty?

CAPERTON.

File No. 838.51/423.

The Acting Secretary of State to Chargé Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 2, 1915.

Your September 29. The Department is informed Bank is telegraphing Reine that it is unwilling to accept arrangement proposed or make advances "as long as the situation is not regulated."

In order to assist the Haitian Government in obtaining early and favorable action by Congress, the Department agreed to lend its good offices to secure the loans necessary for the financial rehabilitation of Haiti and undertook to obtain advance by the Bank of $100,000 immediately upon the ratification of the treaty. As you have already been informed, the Department is constrained to believe that a further issue of this unredeemable paper money will only serve to make still more difficult efforts to place Haitian finances on a firm and stable basis. Any loss of prestige mentioned by you can be but transitory and therefore no ill-advised temporary measures should be permitted to jeopardize measures for permanent relief which are assured once the treaty is ratified.

As to your suggestion regarding customs funds, it is intended to make use of these funds for organization of the constabulary with least possible delay, so as to bring about the establishment of per-

manent peace and to protect coffee growers and farmers in the harvesting and marketing of their crops. It would seem as if the interests of all, except a few Senators, depend upon the prompt ratification of the treaty, which the Department has a right to expect in view of its unquestioned intentions towards the Haitian people. It should not be impossible for the Haitian Government with the 250,000 gourdes still in hand to tide over the short interval until ratification is obtained, when advances to the Government will be immediately procurable.

POLK.

File No. 838.51/432a.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, October 30, 1915.

SIR: The Department is informed that, owing to the fact that no remittances of customs receipts from duties pledged to the service of the foreign loans of the Republic of Haiti, of 1875, 1896 and 1910, are being made by Admiral Caperton to the National Bank of Haiti at Port au Prince, the Bank is not purchasing coffee drafts on Paris, which are now said to be discounted at 12 per cent.

Desiring to assist Haiti in improving her financial status, and in order to furnish the Bank with funds to purchase drafts on Paris, to give confidence to the bondholders of the foreign debt of Haiti and to facilitate coffee exports, and thereby to increase customs receipts, I have the honor to request that you be good enough to inquire of Admiral Caperton, by telegraph, whether it would be possible to pay to the Bank any part of the duties now collected by him, pledged to the service of the foreign loans above mentioned, without substantially affecting the expenditures for constabulary, public works, et cetera, or curtailing the weekly advances to the Haitian Government.

In this connection it might be advisable to inform the Admiral that it is intended to commence active organization of the constabulary immediately a modus vivendi is entered into; that the plan under consideration contemplates an annual appropriation of some $500,000; and that provision should be made for an appropriation to meet initial expenditures for organization.

I have [etc.]

ROBERT LANSING.

File No. 838.51/578a.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, November 5, 1915.

SIR: I have the honor to inform you that arrangements have been made with the representatives of the National Bank of Haiti to deposit the sum of $124,000 with the Assistant Treasurer of the United States, New York, to the personal credit of Paymaster J. L. Chatterton, U. S. N., for trans-shipment to Port au Prince for use in cashing drafts on New York.

In confirmation of tentative plans discussed with the Paymaster General of the Navy and a representative of the Chief of Naval Operations, I beg to request that a pay officer be ordered to the U. S. S. *Vulcan*, shortly to sail for Haiti, and that the sum of $124,000 in currency be placed in his custody, to be turned over to the National Bank of Haiti under orders from Admiral Caperton.

I have [etc.]

ROBERT LANSING.

File No. 711.38/55a.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 12, 1915.

Early arrival at Washington of commission, armed with full authority to enable it to deal intelligently and definitely with the subjects mentioned in Department's telegrams of August 27, 8 p. m.,[8] and September 15, 5 p. m., is earnestly recommended, particularly with a view to resumption of railway construction et cetera, at earliest moment possible, so as to afford employment to starving populace.

The commission should have power to arrange the details of the operation of the treaty, to settle all differences between the Government and the Bank, and between the Government and the railway, to negotiate a loan and to decide upon some plan for the comprehensive readjustment and rehabilitation of Haitian finances.

LANSING.

File No. 711.38/56a.

The Secretary of State to the Secretary of the Treasury.

DEPARTMENT OF STATE,
Washington, November 13, 1915.

MY DEAR MR. SECRETARY: We have been advised that the Haitian Republic proposes at an early date to send to Washington a commission authorized to deal definitely with the financial situation in that country and to arrange the details of the operation of the treaty which has been ratified by the Haitian Senate and to compose the differences between the Government and the Bank, and the Government and the Haitian Railway; and also to negotiate a loan and decide upon a plan for the readjustment and rehabilitation of Haitian finances.

In view of the technical character of the subjects which are to be dealt with by this commission I would be very much obliged if you would designate some prominent official of your Department who could be consulted upon these subjects prior to the arrival of the commission, and also during its conferences here.

With [etc.]

ROBERT LANSING.

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[8] Not printed.

File No. 838.51/434.

The National Bank of the Republic of Haiti to Mr. Long.

[Translation.]

WASHINGTON, *November 18, 1915.*

DEAR MR. LONG: Allow me to resume the conversations we have had about the present condition of things in Haiti in regard to coffee exports.

Out of the customs receipts, the American authorities turn over $25,000 a week to the Government of Haiti; in addition payments are still made out of the same receipts for the national palace, the street contract, electricity. Mr. Conrad would prefer to have the surplus used in purchasing checks on New York and that the money remitted in New York be used, if deemed necessary by the Department of State, in paying the foreign debt annuities. Our manager explained to him that most of our exporters could not draw on New York, that they had to draw on the consignees of their coffee. Besides Mr. Conrad's wish is met by the $151,000 advanced by the Bank to New York. Assuming that the exporter does draw on New York bankers for the account of European firms, the bankers would have to draw on those European firms to protect themselves, and complicated operations and much expense would be the result. As I have already told you, if we could have at our disposal a certain amount with which to meet the interest on the foreign loans, in whole or in part, it would be easy to finance the crops and it would help to improve the rate of exchange on the United States.

The surplus should be considerably larger this month; imports and exports should yield more than in October and the figure would be still larger if by buying drafts for the service of the foreign debt, the bank could help coffee shipments which would bring about correspondingly increased importations. Furthermore the credit of Haiti abroad is injuriously affected by this condition of things since, owing to the non-payment of the interest on the 1910 loan on November 15, a further fall of Haitian securities in the Paris exchange may be expected, which fall will be more marked if remittances for the 1875 and 1896 loans, whose coupons are due at the close of the year, are not made in good time.

Under the circumstances it would seem necessary to authorize Admiral Caperton to let the Bank remit the proceeds of the revenues pledged to foreign loans.

Accept [etc.]

CASENAVE.

File No. 838.51/436a.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, November 18, 1915.

SIR: Inasmuch as the treaty with the Republic of Haiti, signed on September 16 last, has now been ratified by the Haitian Congress, and with a view to show every respect for legitimate contractual obligations of Haiti, I have the honor to request that you instruct Admiral

Caperton by telegraph that, after setting aside sufficient of the revenues coming into his hands for the support of the Dartiguenave Government, for public works and for the organization of the constabulary, as contemplated in this Department's letter to you October 30, 1915, he may, upon request of the Haitian Government, apply the remainder of the revenues collected by him for the purposes of and in accordance with the pledges thereof which have been heretofore made or given by the Haitian Government.

I have [etc.]

ROBERT LANSING.

File No. 838.51/436.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 19, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of November 18, in which you request [etc.].

In compliance with your request, instructions have been sent to Admiral Caperton as outlined by you.

Very sincerely yours,

JOSEPHUS DANIELS.

File No. 838.51/443.

Admiral Caperton to the Secretary of the Navy.

[Telegram.]

PORT AU PRINCE, *November 19, 1915.*

Commencing middle of August, Electric Light Co. is being paid by me $7,500 per month, contract price for light Port au Prince and Cape Haitien; P. C. S. Railroad has been paid $5,000 and later $2,500 more in order to maintain it in operation, a military necessity. Haitian Government owes both companies several months arrears. President Staude states that if amount now due railroad as balance of guaranty of interest, about $17,000, is not paid before December 1, the road will be forced into bankruptcy. Haitian Government acknowledges this debt but is unable to pay. Owing to peculiarity of contract under which Government guarantees annual interest at 6 per cent on bonds of road to amount of $688,000, I hesitate to recommend further payment by American authorities. Instead, I recommend that loan to Haitian Government of $1,500,000 which State Department has mentioned in its despatch to Legation, of which the Haitian Government has been informed be made immediately available after signing modus vivendi, in order that the Government may settle many revealed [sic] claims of which railroad is one. The $100,000 promised upon ratification in State Department's September 15, 5 p. m.,[18] should be cabled at once. American prestige involved in this matter.

CAPERTON.

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[18] See Conclusion of a Treaty, etc., p. 447.

File No. 838.51/437a.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 23, 1915.

Now that the treaty has been ratified and with a view to show every respect for the legitimate contractual obligations of Haiti, the Navy Department was requested on the 18th instant to instruct Admiral Caperton that he might upon the request of the Haitian Government apply the remainder of the revenues collected by him after setting aside sufficient for the support of the Dartiguenave Government, for public works and for the organization of the constabulary, for the purposes of and in accordance with the pledges thereof which have been heretofore made or given by the Haitian Government. Such authorization was deemed advisable in view of requests of the Bank that service of foreign bonds be resumed and of the Central Railroad that Government of Haiti pay certain sums due it.

The Department is informed that the Admiral has found objections to proposed procedure and recommends immediate loan. The Department believes that this can be arranged as soon as modus vivendi has been entered into and commission arrives in Washington. In the meanwhile, should the Haitian Government so request as has been done according to the Department's information in the case of the Central Railroad of Haiti, the Admiral should pay if not the entire amount requested at least such proportionate amount or amounts as may be now or become in future available.

Referring to the Admiral's radiogram of November 19, the Department understood that present advances to the Haitian Government took the place of the $100,000 mentioned in the Department's telegram of September 15, 5 p. m. (see Legation's telegram September 29). But should the impression prevail that this Government's good faith was involved, the Admiral may make immediate payment of $100,000 out of funds in hand, provided that this would be satisfactory to the Haitian Government, which may prefer that this money be used as far as possible for the purposes to which it is pledged.

The Department will be glad to have you take up this matter with the Admiral and report by telegraph with your recommendations.

LANSING.

File No. 838.51/443a.

The Acting Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 27, 1915.

Central Railroad of Haiti informs the Department that Haitian Government has requested Admiral Caperton to pay the $48,000 which it needs for coupon payments on bonds due December first.

POLK.

File No. 838.51/439.

Admiral Caperton to the Secretary of the Navy.

[Telegram.]

PORT AU PRINCE, *November 29, 1915—6.30 p. m.*

Modus vivendi, embodying exact terms of treaty, signed 6 p. m. today by plenipotentiaries United States of America and Haiti. I recommend the following officers for nomination by the President of the United States in accordance with the terms of the modus vivendi to act in a pro tem capacity pending arrival regular appointments: Financial adviser, Captain Beach; general receiver, Paymaster Conard; senior American officer of constabulary, Col. Waller; engineer for public improvements, Lieutenant Oberlin; engineer for sanitation, P. A. Surgeon Garrison. These nominations will be acceptable to Haitian Government.

CAPERTON.

File No. 838.51/438.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, November 29, 1915—10 p. m.

Recommended in conference with the Admiral that $100,000 out of funds in hand be paid to Haitian Government. The Government has asked for $48,000 in the case of the Central Railroad of Haiti, and all will be paid tomorrow. A general modus vivendi is being signed. Think most advisable loan $1,500,000 be arranged immediately after the departure of commission, and so recommend.

BLANCHARD.

File No. 838.51/440.

AMERICAN LEGATION,
Port au Prince, November 29, 1915—11 p. m.

The recommendations made by Admiral Caperton in his message sent 6.30 p. m., 29th November, are thoroughly approved. It is believed important the officers recommended, who are so familiar with the conditions and work here, should be appointed pro tem. The Haitian Government would be satisfied with the appointments.

BLANCHARD.

File No. 711.38/56.

AMERICAN LEGATION,
Port au Prince, November 30, 1915—11a. m.

Commission with full powers, in accordance with your November 12, appointed: Solon Ménos, Haitian Minister at Washington, President; Auguste Magloire, administrator of finance, Port au Prince, and Pièrre Hudicourt, lawyer and plenipotentiary to second peace conference at the Hague, members. Commission expects to leave this week.

BLANCHARD.

File No. 838.51/442.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 30, 1915.

SIR: I have the honor to invite your attention to the copy of Admiral Caperton's message of November 29, which has been sent to your Department, in which he recommends the following officers for nomination by the President of the United States in accordance with the terms of the modus vivendi, to act in a pro tem. capacity pending the arrival of regular appointees:

Financial Adviser, Captain Edward L. Beach, U. S. Navy.

General Receiver, Paymaster Charles Conard, U. S. Navy.

Senior American Officer of Constabulary, Colonel Littleton W. T. Waller, U. S. Marine Corps.

Engineer for Public Improvements, Lieutenant Edgar G. Oberlin, U. S. Navy.

Engineer for Sanitation, Past Assistant Surgeon Philip E. Garrison, U. S. Navy.

It will be noted that Admiral Caperton states these nominations will be acceptable to the Haitian Government. I have the honor to request that you will be good enough to inform this Department as to your action in this matter.

Very sincerely yours,

JOSEPHUS DANIELS.

File No. 838.51/442.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, December 2, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of November 30, 1915, regarding the recommendation of Admiral Caperton in his message of November 29, that the following officers be nominated [etc.]

This Department approves the foregoing nominations which it is understood will also be agreeable to the Haitian Government.

I have [etc.]

ROBERT LANSING.

File No. 838.51/438.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 2, 1915.

Your November 29, 10 p. m. The Department still believes that the negotiation of temporary loan for $1,500,000 should await the arrival of Haitian commission.

LANSING.

File No. 838.51/445.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, December 11, 1915—3 p. m.

Your December 2. As commission is arriving at Washington, respectfully recommend that an advance to the Haitian Government of $500,000 be now made available.

The Haitian Government insists that this amount is absolutely necessary to pay in full salaries of Government employees for this quarter, and debts of honor, it being desirable to make these payments by December 20 in the interest of humanity and to give visible proofs throughout the Republic of good results of American treaty and intervention, thus sustaining prestige of both local government and Haitian Government.

BLANCHARD.

File No. 711.38/62.

AMERICAN LEGATION,
Port au Prince, December 11, 1915—6 p. m.

Your November 12. Commission has full powers: first, to arrange the details of operations of the treaty; second, to settle, with the good offices of the Government of the United States, all differences between the Haitian Government and third parties; third, to negotiate, with the good offices of the Government of the United States, all loans necessary to attain the aims of the treaty; fourth, to decide upon some plan to establish the Haitian finances on a firm basis.

BLANCHARD.

File No. 838.51/445.

The Secretary of State to Minister Blanchard.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, December 16, 1915—4 p. m.

Your December 11, 3 p. m. The Department desires to be informed exactly as to purposes for which this $500,000 will be used. Telegraph brief statement showing items and amounts.

LANSING.

File No. 838.51/445.

DEPARTMENT OF STATE,
Washington, December 17, 1915—6 p. m.

Your December 11, 3 p. m. First conference with commissioners held today who were informed that their Government desired immediate advance of $500,000 to be available by December 20.

Inasmuch as such an advance on account of the loan of $2,000,000 which commissioners desired to obtain by end of year and which they have full powers to negotiate is impossible until loan contract is signed, the Department believed that National Bank of Haiti was only source from which an unsecured advance could be obtained and

therefore arranged for representatives of Bank to appear before Commission.

Bankers were asked by commissioners if they were prepared immediately to advance $500,000 from redemption fund, which they refused to advance from this source but express a willingness to consider immediate advance provided the Bank were reinstated in its contract. This was not acceptable to commissioners, who may communicate with their Government.

LANSING.

File No. 838.51/453.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, December 18, 1915.

Your December 16, 4 p. m. Appropriations voted by the Haitian Congress for this is as follows:

	Gourdes.		Dollars.
(1) Pay and rations of the President's guard	273,474.33		
(2) Salaries of the President, the Government and Government officers	2,322,246.07	plus	83,451.87
(3) Pensions and life annuities	148,668.37	"	550.00
(4) Rents	81,291.68	"	3,150.00
(5) Subsidies to schools, public services, etc	65,475.00	"	1,950.00
(6) Other expenses	346,449.49	"	123,278.67
(7) Indemnities, and office expenses of the Legislative Body	4,800.00	"	84,000.00
Total	3,242,404.94	"	296,380.54
of which have been paid	774,047.24	"	121,719.67
There remains due	2,468,357.70	"	174,660.87
The former amount converted into American Currency at 440 per cent, giving			457,103.28
Making a total still due of			$631,764.15

Of this amount the Haitian Government considers $500,000 to be urgently required to pay the balance of salaries, pensions, rents and indemnities of the months of October and November, 1915, and the full amount for December. Also the arrears on the budget for the year 1914–1915, notably salaries of September, 1915, which have not been paid in full in the provinces.

The Haitian Government attaches much importance to its being put in position to pay before Christmas arrears of 1914–1915, for which provision has been made in the loan now under negotiation.

BLANCHARD.

File No. 838.51/458.

The National Bank of the Republic of Haiti to the Secretary of State.

[Translation.]

WASHINGTON, *December 28, 1915.*

MR. SECRETARY OF STATE: We have the honor to inclose to you herewith a copy of correspondence exchanged between the Minister of Finance of the Republic of Haiti and our establishment at Port

au Prince. In taking cognizance of these two documents, your excellency will kindly observe that the Haitian Minister complains that the Bank has been in the habit of paying expenses, provided to be paid in American gold in the budget of the Republic, by means of American banknotes. Your excellency will find the answer which our establishment addressed to the Haitian Minister on a question which was the subject of instructions on the part of Admiral Caperton. Although this answer was given with the consent of Mr. Conrad and Captain Beach, we deem it our duty to communicate this correspondence to you for all proper purposes.

We beg [etc.]

NATIONAL BANK OF THE REPUBLIC OF HAITI,
CASENAVE, *President.*

[Inclosure 1.—Translation.]

The Secretary of Finance and Commerce to the Director General of the National Bank of the Republic of Haiti.

No. 484.] PORT AU PRINCE, *December 11, 1915.*

MR. DIRECTOR: I have been informed by the paymasters of the Departments of Finance and Interior, on the occasion of the payment of the remunerations of the President of the Republic and of the heads of the executive departments, that the Bank had been in the habit for some time of paying the expenses, provided to be paid in American gold in the budget of the Republic, by means of American banknotes.

I cannot allow this practice to continue without making the most energetic protest against it on the part of the Department of Finance. As a matter of fact it is not difficult to anticipate that when, at an early date, the countervalue in gold of this unauthorized issue has disappeared from the market, it will be impossible to go to the United States to obtain the means of discharging obligations contracted in gold. An exchange in favor of the metal will be established, which will burden the receipts of the Treasury which you will have taken the liberty to collect in American paper in violation of the financial laws. Your own establishment will probably not be the last to infer the consequences of this lack of foresight, for which it will not be likely to bear the penalty.

Being obliged by virtue of my office to prevent the disturbances which the novel fact to which I draw your attention is calculated to add to those which already affect the economic life of the country, I wish to remind you of the provisions of Art. 2 of the law for the enforcement of the budget of ways and means, which provides for the collection in American gold of the tax authorized by a special law in a money different from the national gourde.

I hold the Bank entirely responsible for the analogy which it has allowed to be introduced, in the public receipts and expenditures, between gold coin and American paper.

I likewise call your attention to the circumstance that the amount of the expenditures made with the proceeds of the sales of gold made in exchange for gourdes is transmitted to the paymasters of the Government departments in nickel coin which does not belong to the Treasury and which causes delays in the service and frequent losses owing to erroneous counting on the part of the Bank.

Please accept [etc.]

EMILE ELIE.

[Inclosure 2.—Translation.]

The National Bank of the Republic of Haiti to the Secretary of Finance and Commerce.

No. 30.] PORT AU PRINCE, *December 13, 1915.*

MR. SECRETARY: We have the honor to acknowledge the receipt of your dispatch No. 484 of the 11th instant.

In regard to the American banknotes which our establishment is said to use as American gold, we will state that these notes come almost entirely from collections made by order and on account of Rear Admiral W. B. Caperton, U. S. N., Commander of the American forces in Haiti and in Haitian waters. We will add that, in the beginning of September, there was at times a slight premium in our market on gold coin. This caused Paymaster Chs. Conard, U. S. N., collector of customs acting by order of Admiral Caperton, to give us formal instructions to accept, on the latter's account, gold or American banknotes indifferently.

The payments effected on this account, such as the remunerations of the President of the Republic and of the heads of executive departments, as referred to in your aforementioned letter, could therefore only be made in the money actually collected by this account, that is, in gold or American banknotes indifferently. However, it does not follow that our Bank windows ever refused to exchange banknotes for gold coin whenever so asked; this was notably done in the case of the remunerations of the President of the Republic and of the heads of the executive departments.

As regards the payments to the paymasters of the Government departments, the Paymaster of the War Department complained of finding differences (excesses or deficiencies) in the packages of gourdes coming from the Bank. Since then we have wished to require the paymasters to check at our Bank windows the sums paid to them, as is right; all refused to do so, saying they never found any deficiencies in the money paid them by the Bank, which assertion it will be easy for you to verify.

In our offices the nickel is counted, placed in sacks according to denominations, then weighed by way of verification, so that the differences can only be very slight, where there is any difference at all. We do not believe that, out of the payments made with funds arising from sales of dollars, we have given a larger amount of nickel than that of the deteriorated bills arising from these same sales and being in a condition which did not permit of their being placed in circulation. In this connection permit us to remind you that it was at your request that we exchanged, for Messrs. Roberts, Dutton and Co. and Simmonds Brothers, large quantities of deteriorated bills for nickel, which proves that the public prefers nickel to deteriorated bills.

Please accept [etc.]

NATIONAL BANK OF THE REPUBLIC OF HAITI.
L. B. REINE.

File No. 838.51/453.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 29, 1915.

Your December 18. Eliminating the appropriations for war, public debt and service of the Bank, contained in the Haitian budget for 1914–1915, that budget, although contemplating a large deficit, made provision for an average monthly expenditure of about $150,000 gold a month.

Inasmuch as the Haitian Government had to make no expenditure for war, public works, public debt and service of the Bank during the months of October, November and December, it should have needed on a basis of the 1914–1915 budget the sum of $450,000. During these months the Haitian Government has actually been in receipt of $385,000 advanced to it by Admiral Caperton. It should therefore require but $65,000 to cover the deficit. The Department believes that the law of December 2 contemplating the expenditure of nearly one million dollars for these three months is unwise, and is not prepared to consent to the use of an advance of $500,000 upon any

loan to be made for the purposes contemplated in that law and will not under the terms of the treaty approve an increase of the foreign debt of the Republic of Haiti for any such purpose.

Commission informs Department that Minister Ménos has received telegram from President Dartiguenave instructing him to request Department to authorize Admiral Caperton to pay over all the funds in hand to be reimbursed by loan of two million, and stating that situation of Government is critical and ministerial crisis imminent.

The Department's opinion regarding such loan is stated above and it considers the funds held by Admiral Caperton to be in the nature of a trust fund as these moneys do not belong to the Haitian Government but to the holders of the different debts of that Government. In view, however, of alleged urgency, you will report immediately by cable the amount in your opinion absolutely necessary to defray salaries of public employees for months of November and December which, notwithstanding advances of $25,000 per week, the Department is surprised to learn have not been paid.

LANSING.

File No. 838.51/457.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, December 30, 1915—5 p. m.

Your December 29. It is impossible to obtain at once from the Haitian Government, as the urgency of the situation requires, the information necessary to enable me to form an opinion and report immediately the amount absolutely necessary to defray salaries of public employees for months of November and December, but the Government now states that to avoid crisis by covering most pressing demands for November in the provinces and December in Port au Prince, $50,000 imperatively needed.

Immediate favorable reply urgently requested.

BLANCHARD.

File No. 838.51/457.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 31, 1915.

Admiral Caperton will be authorized to make use of $50,000 of funds in his possession to defray unpaid salaries of public employees referred to in your December 30. This money shall not be paid to the Haitian Government but shall be drawn against by the Admiral or his personal representatives, who shall pay salaries direct to individual public employees, from whom they will obtain receipts presented in person. Preference should be given to minor employees, who are said to be in great want.

All salaries to military should be discontinued, including Minister of War and Marine. So-called palace guard shall be immediately disbanded.

After January 1, 1916, and until other arrangements can be made by officials to be appointed under modus vivendi, Admiral Caperton shall have complete control of disbursement of weekly allowance for maintenance of Haitian Government and shall make use of his representatives at various ports to see that proper proportion of money reaches public employees in the provinces.

Department will be glad to have you forward by mail all available data relative to financial situation of Haiti and such other information which may assist it in reaching an opinion on the actual needs of the Haitian Government and in drawing up a budget and a plan for the financial rehabilitation of Haiti.

LANSING.

CONTROVERSY BETWEEN THE NATIONAL RAILROAD COMPANY OF HAITI AND THE GOVERNMENT OF HAITI.[19]

File 838.77/99a.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 23, 1914.

The Department has been informed by Mr. Farnham that the Haitian Government has served a notification on the National Railroad Company of Haiti of its intention to foreclose and take possession of the railroad property on the 27th instant under claim of non-compliance with Article 11 of the railroad contract.

You are instructed to inform the Government of Haiti that such method of procedure for foreclosure is, in the opinion of this Government, directly contrary to the provisions of Article 10 of the Cahier des Charges attached to railroad contract, which specifically provides for this contingency. If the reports are correct and the Haitian Government really intends to proceed in the manner first outlined as to taking possession of the property, you are instructed to inform the Government of Haiti that the United States will feel compelled to take such measures for the safeguarding of the rights of this company as it may deem necessary under the circumstances.

The Department desires that Minister of Public Works should be informed of the foregoing. Report fully by cable.

BRYAN.

File 838.77/100.

Minister Blanchard to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Port au Prince, September 25, 1914.

The Department's September 23. This morning I had an interview with Minister of Foreign Affairs by appointment and com-

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[19] See also Financial Affairs and Political Affairs, supra.

municated to him the substance of the first two phrases of your telegram leaving a memorandum to which he will reply in writing. He stated that notification served on National Railroad Company of Haiti is to foreclose railroad property and on the 27th instant put it into adjudication, but not to take possession of the same, the proceeds of the sale to go to the concessionaire. The adjudication would not take place actually before September 28. The Haitian Government seems determined on foreclosure on September 28; but, in spite of difference in the Government and concessionaire interpretation of contract, the Haitian Government in a spirit of conciliation would favorably receive a request from railroad company for a stay of execution for sixty days if desired, during which time the company would make proposals for an understanding with the Government. Should these proposals now be accepted, the rights of the parties would be reserved. In that case the proceedings of foreclosure would be delayed until the expiration of the sixty days. I respectfully suggest to communicate with Farnham and if proposition is acceptable have him advise the railroad's representative here accordingly before the morning of 27th.

BLANCHARD.

NOTE.—R. F. Farnham was informed of the above by a telegram dated September 26, 1914.

File 838.77/102.

AMERICAN LEGATION,
Port au Prince, September 28, 1914.

My telegram of September 25. The Haitian Government has today served notice of foreclosure on the National Railroad Company of Haiti for non-compliance with Article 11 of the railroad contract and given notice of the adjudication of the property on December 28. The Haitian Government has also notified claim for damages caused the Government and public by the suspension of operation, and has appointed an arbitrator on its part for examination of this last claim.

BLANCHARD.

File 838.77/106.

Minister Blanchard to the Secretary of State.

No. 10.] AMERICAN LEGATION,
Port au Prince, September 30, 1914.

SIR: I have the honor to forward herewith copy and translation of a note received from the Minister of Foreign Affairs in reply to the memorandum which, at his request, I handed to him at the close of my interview with him on September 25.

As you will observe, the Haitian Government contends that the terms of the railroad contract forbid diplomatic intervention and provide, as the proper mode of procedure in case of disagreement as to the construction to be placed upon any of its terms and conditions, the appointment of a board of arbitration to render a decision as to the proper construction of the contract.

As to the method of foreclosure employed, the Haitian Government claims that it has acted strictly in accordance with Article 10 of the Cahier des Charges.

The Haitian Government further claims that the railroad company has failed to live up to its contract with respect to the delivery of completed sections of the road, setting forth the fact that there is a stipulation in the contract that five completed sections must be delivered every twelve months, while as a matter of fact, up to the present date, only six sections have been delivered, although more than four years have elapsed since the date on which this stipulation became effective.

On the 28th instant, no reply having been received to my cable to the Department of the 25th instant, and having ascertained from the representative of the railroad company here that he had been served with notice of foreclosure for non-compliance with Article 11 of the railroad contract, I availed myself of an opportunity, when calling upon the Minister for Foreign Affairs on another matter, without prejudging what might be the Department's views or those of the concessionnaire regarding the suggestion as to a stay in the proceedings, to point out that owing to the Saturday half-holiday followed by Sunday there was a material impossibility for the Department to communicate with the concessionnaire in season to have a reply reach me on the 27th.

The Minister then remarked that the proceedings had to be carried out regularly; but, as the suggestion had been made in a spirit of conciliation, the request for a stay in the proceedings, if made within a reasonable time, would of course be granted; and he assured me, in that case, of the best dispositions of the Haitian Government to endeavor to come to an understanding with the company. He felt confident that a satisfactory solution could be found by mutual concession through arbitration and suggested that negotiations for such propositions of agreement as the railroad company might make be carried on by me in the interest of the railroad company, under instructions from the Department, with him representing the Haitian Government.

The above views, which I believe to be in earnest and prompted by a sincere desire on the part of the Haitian Government to come to a mutually satisfactory arrangement with the National Railroad Company of Haiti, are respectfully submitted to the favorable consideration of the Department.

I have [etc.].

A. BAILLY BLANCHARD.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

FOREIGN OFFICE,
Port au Prince, September 29, 1914.

The Department of State for Foreign Affairs of the Republic of Haiti received on September 25, 1914, the memorandum which the Minister Plenipotentiary of the United States of America, by order of his Government, was good enough to communicate to it relative to the affairs of the National Railroad Company of Haiti, a corporation, having its principal office at Port au Prince. It states:

The Department of State at Washington has been informed by Mr. Farnham that the Haitian Government has served a notification on the National Railroad Company of Haiti, by an act of bailiff, of its intention to foreclose [its contract] and take possession on the 27th instant of the property of the said railroad company under claim of non-compliance with Article 11 of said contract.

According to the instructions of his Government, the American Minister has the honor to inform the Haitian Government that in the opinion of the Government of the United States such a method of procedure for foreclosure is directly contrary to the provisions of Article 10 of the Cahier des Charges attached to the railroad contracts, which article specifically provides for this contingency.

The Haitian Government upon receipt of this memorandum was greatly surprised at the criticisms made therein, and of the gratuitous intention which is attributed to it of desiring to take possession of the property of the National Railroad Company of Haiti.

The Secretary of State for Foreign Affairs of the Republic of Haiti begs the Minister of the United States of America to please to examine anew the contracts of the railroads of Haiti and the Cahier des Charges which accompany them; he invites particularly his attention to the following points:

A. "In no case and for no reason shall disputes that may arise as to the interpretation of the clauses of the present contract give occasion for diplomatic recourse." (Article 16 of the contract of April 16, 1910.)

The sense of this article is clear. Its text can not be misunderstood. It renders, therefore, inadmissible the intervention of the Government of the United States.

B. On the other hand, Article 7 of the contract of the railroad from Gonaives to Hinche, of which the National Railroad Company of Haiti is concessionnaire, stipulates that:

All disputes or all difficulties between the concessionnaire and the State as to the interpretation or as to the execution of one or more clauses of the present contract or of the Cahier des Charges shall be settled by a board of arbitration named for that purpose. (Contract of July 19, 1904.)

Article 7 of the contract of the railroad from Cape Haitien to Port au Prince, of which the same company in concessionnaire, contains the same clause and lays particular stress on the board of arbitration called to solve the difficulties which might arise between the Government and the Company. This article is worded thus:

All disputes or difficulties between the Company and the State as to the interpretation or the execution of one or more clauses or provisions of the present contract or of the Cahier des Charges, shall be settled by a board of arbitration named for that purpose. Each party will designate an equal number of arbiters who, if they can not agree, shall select an umpire to cast the deciding vote, and from whose decision there shall be no appeal.

Therefore, supposing that the procedure employed against the National Railroad Company of Haiti was irregular or contrary to a stipulation of the contracts which bind the parties, the company could only have recourse to arbitration, the only means of ascertaining these difficulties and settling them.

C. These points having put in evidence the inadmissibility of the intervention of the Government of the United States in the litigation that exists between the Government of Haiti and the National Railroad Company of Haiti, there remains to have it recognized that the procedure followed in the present case is, for the Republic, in accord with all involved principles.

The procedure employed for the foreclosure and adjudication has even been provided for in Article 10 of the Cahier des Charges annexed to the contract of April 16, 1910.

(a) As to foreclosure or forfeiture, Article 11 of the contract of concession expressly states:

In the course of the first year after the promulgation of the law sanctioning the present convention, the Company shall deliver at least one section [of the railroad to be constructed], and every twelve months thereafter an average of five sections, except in case of force majeure duly verified and this under penalty of foreclosure, so as to complete the whole system in five years or earlier.

(b) As to the procedure in case of foreclosure, Article 12 of the contract or convention of April 16, 1910, and Article 10 of the contracts of July 19, 1904, and September 12, 1906, state that—

At any time when the foreclosure or forfeiture may be incurred, there shall be no other formalities to be fulfilled for its execution than those provided for in Article 10 of the Cahier des Charges annexed to the concession-contract. [Article 12 of the contract or convention of April 16, 1910.]

If the concessionnaire incur a foreclosure, the Minister of Public Works, without further summons, shall serve on him a notification thereof by bailiff, and shall put in

adjudication the concession, the existing property (material, rolling stock, etc.), and the construction completed and still to be completed. And the concessionnaire or his assigns shall receive the amount of the adjudication, costs deducted, without right of claiming any indemnity. [Article 10 of the contracts of July 19, 1904 and September 12, 1906.]

The fact is that the Company has not delivered the sections which should be delivered in accordance with Article 11 of the convention of 1910. It has delivered only six sections designated as follows: (1) Cape-Grande Rivière; (2) Gonaïves-Ennery; (3) Port au Prince-Arcahaie, Arcahaie-Mont Bouis-St. Marc; and (4) Grande Rivière-Bahon.

At this date, September 27, 1914, it ought to have delivered 11 sections, since Article 11 says that it should deliver five sections, at least, every twelve months, the concession having commenced August 6, 1910, at which time it had to deliver one section.

For the other years—August 1911 to August 1912. August 1912 to August 1913, and August 1913 to August 1914—it should have delivered fifteen sections.

On the part of the Government there have been three successive extensions of time (total 11 months) which extensions permit the company to say that it has eleven sections to deliver instead of 16, but the fact is that there are only six sections in operation up to this date, September 27, 1914. No disputes can be raised on these extensions of time with respect to the sections already delivered, which are six in number instead of eleven. These are facts which can be materially proven.

The Haitian Government is sure that as soon as the Honorable Mr. Bailly-Blanchard shall have communicated to the Department of State the clauses of the contracts of concession and of the Cahier des Charges, the Government of the United States, in its high impartiality, will recognize that the procedure which has been followed with regard to the Company is well founded.

File 838.77/102.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 2, 1914.

Your September 28. As result of conference by Department with representative National Railroad Company, you are instructed to request of Haitian Government that all proceedings against company which it has notified be extended or held in abeyance to December 28 as indicated by Haitian Government might be done, without prejudice to rights of parties, during which time the Department will endeavor to bring company and Haitian Government to an arrangement including readjustment of contract and possible shortening of route resulting in saving and advantage to Government, and for a commission in nature of arbitration to adjust all differences satisfactorily and to advantage of both parties. Say to Haitian Government that in dealing with interests of company Department thinks it should not overlook the general disturbed financial situation and might well consider consequences arising from summary action at this time in estranging available sources of financial assistance. It is best for all concerned that a satisfactory adjustment should be tried and arranged, if possible, previous to any final procedure by Haiti, thereby removing possible action by United States in pressing claims of company should it appear, as now appears possible, that company's rights may not have been afforded full consideration and due process of law.

Department thinks it well that this matter be brought to attention of President Zamor and Charles Zamor.

W. J. BRYAN.

File 838.77/105.

Minister Blanchard to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Port au Prince, October 14, 1914.

Your October 2. In aide memoire replying to my memorandum, Foreign Office confirms views as expressed to me in several interviews and concessions made as follows:

It insists that diplomatic intervention is inadmissible because such is the agreement of the parties in interest and because arbitration, the principle and terms of which are already provided for in the contract, has been adopted as the sole means of settling possible differences between them should there be occasion to have recourse thereto; but through international courtesy grants the request made in the name of the National Railroad Company for a stay of proceedings until December 28, rights of parties reserved. It hopes that during this time the company through authorized representative will make to the Haitian Government propositions for an understanding. The Foreign Office further notes the possibility of proposals tending to a readjustment of contract and possible shortening of route resulting in economy and advantage to the Haitian Government.

The Haitian Government seems to have every disposition to come to an understanding with the company on above basis and its proposals to that end are respectfully submitted to the favorable consideration of the Department.

BLANCHARD.

File 838.77/107.

Minister Blanchard to the Secretary of State.

No. 12.] AMERICAN LEGATION,
Port au Prince, October 16, 1914.

SIR: Referring to your cable of October 2 and to my cable of October 14, I have the honor to forward herewith copy and translation of the aide memoire received from the Foreign Office in reply to this Legation's memorandum on the subject of the controversy between the Haitian Government and the National Railroad Company of Haiti.

As you will observe, the Secretary of State for Foreign Affairs of Haiti grants the request for a stay in proceedings up to December 28, as desired. He calls attention to the fact that, according to the terms of the contract, diplomatic intervention has been agreed upon by the parties to be inadmissible; and that arbitration, the principle and forms of which are provided for in the contract, has been adopted as the sole means of settling the differences, should there be occasion to have recourse thereto.

The Secretary of State for Foreign Affairs further states that in granting the request for the delay, the Haitian Government has been promoted solely by the dictates of international courtesy and expresses the hope that the National Railroad Company will, through its authorized representatives, submit propositions for an understand-

ing. He further stipulates, should there be no agreement arrived at within the time granted, that the rights of all parties are reserved.

The Foreign Office notes further that the railroad company is disposed to propose a readjustment of the contract resulting in a possible shortening of the route, and economy and advantage to the Haitian Government.

The Minister for Foreign Affairs and General Charles Zamor, Minister of the Interior, expressed themselves as highly appreciative of the action of the Department of State, which they understood at the time to be in the light of an offer of its good offices. Later, however, upon my presentation of the memorandum which embodied your telegram in its corrected form, the Minister for Foreign Affairs remarked at once that the terms suggested contemplated diplomatic intervention, which was inadmissible, and insisted that all of his former statements to me in previous interviews on the subject were expressions of his personal views and therefore unofficial, and that he rested upon his first reply in writing.

Notwithstanding this change of attitude due to an absolute objection to diplomatic intervention, in view of the terms of the contract, I am convinced, inasmuch as the Minister for Foreign Affairs has since that time again reassured me of his favorable intentions, that the Haitian Government has every disposition to reach a mutually satisfactory solution; and, inasmuch as upon the failure to arrive at any conclusion during the delay granted, the rights of parties will be reserved, it would seem to be to the interest of all concerned to attempt a solution of the differences by above means.

I have [etc.]

A. BAILLY-BLANCHARD.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

FOREIGN OFFICE,
Port au Prince, October 12, 1914.

The Secretariat of State for Foreign Relations of Haiti, in reply to the memorandum of the American Legation of the 6th of October, has the honor to recall to the American Minister at Port au Prince the formal terms of its preceding note, dated September 29, 1914, of which the first point indicates the inadmissibility of any diplomatic intervention in the affair of the National Railroad Company of Haiti:

(a) because such is the agreement of the parties,

(b) because the parties have adopted arbitration as the sole means of settling possible differences between them.

However, while maintaining the principles and reasons of this inadmissibility, the Secretary of State for Foreign Relations of Haiti accepts, through pure international courtesy and for the high consideration which he personally has for the representative of the United States of America at Port au Prince, the request for a delay made in the name of the National Railroad Company, that is, until December 28, 1914. By this it can be seen that the Government of the Republic of Haiti has never had the intention to dispossess, to its profit, the National Railroad Company of its rights and advantages. This acceptance of delay being made under the express reserve that, if in the interval there is no understanding between the parties in interest, they will resume their rights which will stay and will remain in the same and similar state.

Consequently, the Secretariat of State for Foreign Relations hopes that during that lapse of time the National Railroad Company will submit to the Government of the Republic of Haiti, through its authorized representatives

all the propositions for solution of the matter in conformity with the interests of the parties.

The Secretariat of State for Foreign Relations of Haiti takes note that the National Railroad Company is disposed to propose to the Government of Haiti a readjustment of the contracts, resulting in a possible shortening of route and an economy and advantage for the Government of the Republic of Haiti.

The Secretariat of State for Foreign Relations thinks it useful to remind his excellency M. Bailly-Blanchard, in answer to the last part of the memorandum in question, that the principle and the forms of arbitration are already provided for in the contract which binds the parties, in case there would be occasion to have recourse thereto.

File 838.77/106.

The Acting Secretary of State to Minister Blanchard.

DEPARTMENT OF STATE,
Washington, November 7, 1914.

SIR: The Department acknowledges the receipt of your No. 10 of September 30, 1914, enclosing a copy and translation of a note received by you from the Minister for Foreign Affairs of Haiti concerning the proceedings for foreclosure of the National Railroad Company of Haiti.

A copy of the note from the Foreign Office has been forwarded to Mr. R. L. Farnham of the National City Bank of New York City for his information.

I am [etc.]

ROBERT LANSING.

File 838.77/109.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 23, 1914.

You are instructed to inform [President] Theodore that the Government of the United States hopes that foreclosure proceedings against the American railroad will be suspended until such time as all questions pending between the railroad and the Haitian Government can be fully considered here. The disturbed conditions there should be taken into consideration.

Report by telegraph result of your representations.

BRYAN.

File 838.77/113.

Minister Blanchard to the Secretary of State.

No. 26.] AMERICAN LEGATION,
Port au Prince, January 4, 1915.

SIR: Referring to the Department's cable of December 23, I have the honor to forward herewith copy of the memorandum I handed the Minister of Foreign Relations after my interview with him with reference to a further suspension of the foreclosure proceedings

against the National Railroad Company of Haiti, together with a copy and translation of the memorandum dated December 26 received in reply and which I requested in confirmation of the assurances given me verbally.

I have [etc.,]

A. BAILLY-BLANCHARD.

[Inclosure 1.]

The American Legation to the Department of Foreign Relations.

AMERICAN LEGATION,
Port au Prince, December 24, 1914.

The American Legation in pursuance of instructions just received, has the honor to inform the Department of Foreign Relations that the Government of the United States hopes that the foreclosure proceedings against the National Railroad of Haiti will be suspended until such time as all questions pending between the Haitian Government and the railroad can be considered at Washington.

[Inclosure 2—Translation.]

The Department of Foreign Relations to the American Legation.

DEPARTMENT OF FOREIGN RELATIONS,
Port au Prince, December 26, 1914.

The Department of Foreign Relations has had the honor to receive to-day the memorandum of the 24th instant, by which [etc.]

In response, the Department of Foreign Relations has the honor to inform the American Legation that the Government of the Republic of Haiti, in order to give the Government of the United States a new testimony of its sincere spirit of conciliation, is happy to accept the good offices of the American Government and is willing to consent to a suspension, until a date to be fixed later, of the putting into adjudication of the concession of the Natioal Railroad Company of Haiti, all things remaining as they are and without any prejudice in anything to the principle set out in Art. 16 of the contract of concession of April 16, 1910.

The Department of Foreign Relations thinks it ought to renew here the declaration that this acceptance of suspension is under the express reserve that if in the interval no understanding has been arrived at between the parties to the cause the procedure will continue in conformity with the contract which binds the Haitian Government and the National Railroad Company in Haiti.

The Department of Foreign Relations retains the hope that this company will present without delay to the Haitian Government, by its authorized representatives, all propositions susceptible of bringing about a just solution of the pending questions.

File 838.77/115.

Minister Blanchard to the Secretary of State.

No. 30.] AMERICAN LEGATION,
Port au Prince, January 18, 1915.

SIR: Referring to my dispatch No. 26, I have the honor to forward herewith copy and translation of the note from the Foreign Office under date of January 13, 1915, notifying this Legation that unless the basis of an agreement, at least, was arrived at before January 20, that day would mark the end of the suspension previously accorded.

It will be observed that the Minister of Foreign Relations explains this action on the part of the Government by the fact that,

since October 6 last, no propositions of agreement have been submitted and that an indefinite delay would cause grave prejudice to the interests of the State.

It will be further noted that the Minister of Foreign Relations expresses the hope that before January 20 the National Railroad Company will have decided to yield to the efforts which "the Department of State . . . has not failed to make to bring it to an arrangement."

With reference to the above, I verbally reminded Mr. Borno that at the time that these negotiations were being had with the then Minister of Foreign Relations, Mr. Désert, he declined to accept the intervention of the Department of State in the settlement of this difference, claiming it to be contrary to the contract which, on its face, precluded diplomatic intervention, granting, on the ground of international courtesy, the request for a suspension made in the name of the National Railroad Company of Haiti—as reported in my telegram of October 14 and my dispatch No. 12 of October 16, 1914.

I have [etc.]

A. Bailly-Blanchard.

[Inclosure 1—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

Foreign Office,
Port au Prince, January 13, 1915.

Mr. Minister: By its memorandum of October 6, 1914, the Legation of the United States requested from the Department of Foreign Affairs a delay up to December 28, of the same year, in the procedure of adjudication of the contract of the National Railroad of Haiti.

In granting, by pure courtesy, the delay requested, my Department declared, in its reply of October 12, 1914, that this assent was made under the express reserve that, if in the interval no understanding was come to between the parties concerned, they would reserve their rights in same and similar state.

On December 24 last, the Legation of the United States having expressed the desire of the American Government to obtain a new delay, my Department on December 26 decided to consent to a delay up to a date to be fixed later, but stipulating that all things should remain as they are and that, if in the interval no understanding was come to between the parties concerned, the proceedings would continue in conformity with the contract which binds the Haitian State and the National Railroad Company of Haiti.

For the reason that from October 6, 1914, up to this date no proposition of agreement has been presented by the Company, and as an indefinite delay would cause grave prejudice to the interests of the State, I have the honor to bring to your knowledge that, after January 20, unless, at least, the basis of this agreement has been settled, the Haitian Government will be forced to carry out the executioon pure and simple of the contract of concession in that which concerns the procedure of adjudication.

I hope, Mr. Minister, that from now to January 20 next the National Railroad Company of Haiti will have decided finally to yield to the efforts which the Department of State, in conformity with the memorandum of October 6, from your Legation, has not failed to make to bring it to an arrangement "including readjustment of contracts and possible shortening of route resulting in saving and advantage to the Government."

In that legitimate hope, I beg [etc.]

Louis Borno.

File 838.77/116.

Minister Blanchard to the Secretary of State.

No. 31.] AMERICAN LEGATION,
Port au Prince, January 22, 1915.

SIR: I have the honor to report that on the 20th instant the Minister of Foreign Relations called at the Legation with reference to the notification of the expiration, on that day, of the delay in foreclosure proceedings instituted against the National Railroad Company of Haiti, with regard to which he has received no reply.

I stated that, up to that time, I had received no instructions touching on this matter. Whereupon he stated that in a spirit of conciliation he would be willing to further extend to a later time the date of foreclosure, should I address to the Haitian Government a note embodying this request. This I declined to do, stating that I did not feel authorized to make any request in the name of the above company. He then proposed that I have the representative of the railroad company here discuss in conference with us as to a future date. This I likewise declined, as the latter was not empowered to act in the premises, adding that, as he remembered, my Government had expressed a hope that the matter be held in suspension until such time as it could be settled in Washington. The Haitian Government had decided to delay such proceedings to a date to be fixed subsequently. On the 13th of January the Legation had been notified that this suspension would terminate on the 20th—a fact which had been communicated to my Government by cable, and to which no reply had been received. If, under these circumstances, the Haitian Government decided to further extend the stay in proceedings, I considered that it should be upon its own initiative, inasmuch as the date of January 20th had been fixed in a like manner.

He thereupon stated that the Haitian Government would extend the time limit to February 20, and that he would address me a note accordingly.

On January 23 I received the note above referred to, dated January 21, a copy and translation of which is herewith forwarded.

I have [etc.]

A. BAILLY-BLANCHARD.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Minister Blanchard.

FOREIGN OFFICE,
Port au Prince, January 21, 1915.

MR. MINISTER: I have the honor to confirm the conversation which we had yesterday morning in reference to my letter of January 13, by virtue of which the suspension of the adjudication of the foreclosure of the concession of the National Railroad Company of Haiti expired on the 20th of this month.

The Haitian Government—taking into account the great actual difficulty of telegraphic communications, appreciating the force majeure which makes it impossible for the National Company to present before January 20, 1915, the basis of accord between the parties—decides to suspend until February 20, 1915, the procedure of adjudication begun by the notification of foreclosure September 28, 1914.

It remains understood that—this delay to February 20, 1915, having passed without the basis of accord (which ought to embrace, without distinction, all

pending questions) having been arrived at between the Haitian Government and the National Railroad Company—there will follow the execution pure and simple of the contract of concession in regard to adjudication, as well as to all actions whatsoever resulting for the Haitian State from violation of this contract by the National Company.

In the firm hope that the good advice of the Legation of the United States will make this company finally understand the necessity of a prompt and loyal arrangement,

I beg you [etc.]

LOUIS BORNO.

File 838.77/122.

The Secretary of State to Minister Blanchard.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 2, 1915.

Admiral Caperton suggests that the Department use its good offices to induce the National Railways to begin work immediately. Those connected with the financing of the railway have explained to the Department certain acts of injustice on the part of Haiti and indicated that if the treaty is ratified these matters can then be adjusted and work renewed with a clear understanding regarding the extension of time to be granted in which construction under concession is to be terminated. That will, it is hoped, mean increased vigor in prosecuting the work and increased satisfaction on the part of the Haitian Government.

The Department regrets that the funds expected to be collected from the customhouses will not suffice to provide work to stop disorders of the men in the north. If this condition continues to exist after the remaining customhouses have come under American control, the Department will, looking to a maintenance of public order, provided Admiral Caperton considers it to be urgent, endeavor to arrange with bankers for an advance sufficient to employ the hungry and indigent citizens.

LANSING.

HONDURAS.

MESSAGE OF THE PRESIDENT, FRANCISCO BERTRAND, TO THE CONGRESS.

File No. 815.032/11.

NOTE.—The message was read to the Congress on January 1, 1915, and transmitted to the Secretary of State January 7, 1915, by the American Minister. The following is the only passage referring to the United States.

[Translation—Extract.]

The commission appointed to prepare all the matters concerning our participation in the coming exposition at San Francisco, California, has continued with success and zeal its labors gathering, classifying and preparing all the objects and products by which Honduras will be represented at that great gathering.

For reasons of commerce, geographical proximity and other reasons, the Government of Honduras continues to cultivate the frankest, most cordial and friendly relations with the United States of America through the Chancelleries and respective Ministers. The one in this capital, Mr. John Ewing, like his predecessors, shows the greatest desire to maintain and make stronger the bonds of loyal friendship which unite the two Governments.

ITALY.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND ITALY.

Signed at Washington, May 5, 1914; ratification advised by the Senate, August 13, 1914; ratified by the President, March 17, 1915; ratified by Italy, November 29, 1914; ratifications exchanged at Washington, March 19, 1915; proclaimed, March 24, 1915.

Treaty Series No. 615.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty between the United States of America and Italy looking to the advancement of the cause of general peace, was concluded and signed by their respective Plenipotentiaries at Washington on the fifth day of May, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and Italian languages, is word for word as follows:

The President of the United States of America and His Majesty the King of Italy, being desirous to strengthen the bonds of amity that bind the two countries, and also to advance the cause of general peace, have resolved to enter into a treaty for those purposes, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State; and

His Majesty the King of Italy, His Excellency the Marquis Cusani Confalonieri, Commander of the Order of Saint Maurice and Saint Lazarus, Grand Cordon of the Order of the Crown of Italy, etc., His Ambassador Extraordiary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties engage to submit for investigation and report to a Commission, to be constituted according to the provisions of the following Article, all differences of whatever nature they may be which may occur between them which can not be composed by diplomatic methods or are not submitted to a tribunal of arbitration; they bind themselves not to declare war nor to open hostilities during the examination by the Commission and before the Commisison has presented its report.

ARTICLE II.

The International Commission shall be composed of five members appointed according to the following rules:

Each country, by means of its Government, chooses two members, one from among its own subjects, the other from among those of a third State; the two Governments, after agreement, will name the fifth member, on condition, however, that he be not a citizen of either of these two countries. Each Commissioner shall hold his place during a term of four years; at the expiration of this term, or in the event of vacancy, the confirmation or the substitution of the Commissioner whose term may have expired or whose place may be vacant shall be made in the same manner.

Each of the High Contracting Parties shall have the right, before the investigation has begun, to substitute for one of the members of the Commission appointed by it another one chosen from the category to which the Commissioner to be replaced belonged.

When the Commissioners be actually occupied in the examination of a question they shall receive a compensation which will be mutually agreed upon by the High Contracting Parties.

The expenses of the Commission shall be borne by the two Governments in equal proportion. The International Commission shall be appointed within six months after the exchange of the ratifications of this treaty.

ARTICLE III.

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods or by means of a tribunal of arbitration, it shall at once be referred, either by common agreement or by one or the other party, to the International Commission for investigation and report.

The Commission must inform the two Governments of the date on which it will begin its labors, inviting them to furnish it with all the documents and to lend it the cooperation necessary for the investigation.

The High Contracting Parties engage to furnish all the documents and to afford all facilities for the investigation and the report, provided that in their judgment this does not conflict with the laws or with the supreme interests of the State, and provided that the interests and rights of third States shall not thereby suffer damage.

In the absence of an agreement to the contrary between the High Contracting Parties, the Commission will itself adopt regulations governing its procedure.

The report of the Commission must be presented within a period of one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties may have shortened or prolonged by mutual agreement this term. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third shall be placed in the archives of the Commission.

The High Contracting Parties reserve to themselves the right to act independently on the subject matter of the dispute after the Commission shall have presented its report.

ARTICLE IV.

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate, and by His Majesty the King of Italy, and the ratifications shall be exchanged as soon as possible.

The Treaty will come into force, for a period of five years, immediately after the exchange of ratifications. It will thereafter remain in force for twelve months more after one of the High Contracting Parties shall have notified the other of its intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed thereunto their seals.

Done in duplicate in the English and Italian languages at Washington this fifth day of May, in the year 1914.

WILLIAM JENNINGS BRYAN [SEAL.]
CUSANI [SEAL.]

And whereas the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the nineteenth day of March, one thousand nine hundred and fifteen:

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-fourth day of March in the year of our Lord one thousand nine hundred and [SEAL.] fifteen, and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.

AGREEMENT BETWEEN THE UNITED STATES AND ITALY EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE 2 OF THE TREATY OF MAY 5, 1914, EFFECTED BY EXCHANGE OF NOTES SIGNED SEPTEMBER 18, 1915.

Treaty Series No. 615½.

The Secretary of State to the Italian Ambassador.

No. 118.] DEPARTMENT OF STATE,
Washington, September 18, 1915.

EXCELLENCY: It not having been found feasible to complete the international commission provided for in the treaty of May 5, 1914, between the United States and Italy, looking to the advancement of the general cause of peace, within the time specified in the treaty, which expires to-morrow, I have the honor to suggest for the consideration of your Government that the time within which the organization of

the commission may be completed be extended by an exchange of notes from September 19, 1915, to January 1, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT LANSING.

The Italian Ambassador to the Secretary of State.

[Translation.]

No. 3509.] ROYAL EMBASSY OF ITALY,
Washington, September 18, 1915.

MR. SECRETARY OF STATE: By note of to-day's date your excellency, in view of the fact that it had not been feasible to complete the Commission provided for in Article 2 of the Convention of May 5, 1914, between Italy and the United States, for the prevention of international conflicts, and that, on the other hand, the time set by the Convention for the appointment of the said Commission expires to-morrow, was pleased to propose through me to the King's Government that the time within which the Commission may be completed be extended by an exchange of notes from September 19, 1915, to January 1, 1916. Your excellency added that my formal notification in writing, of the same date of to-day, that the said proposition is accepted by the Italian Government would be regarded on the part of the Government of the United States as sufficient to give effect to the extension.

I have the honor and hasten, for my part, to inform your excellency that my Government readily agrees to an extension of the time within which the above mentioned Commission may be appointed until January 1, 1916, and that it also regards the exchange of to-day's notes as sufficient to give effect to the extension.

Accept, Mr. Secretary of State, the assurances of my highest consideration.

MACCHI DI CELLERE.

LIABILITY TO MILITARY SERVICE, UPON RETURN TO ITALY, OF (1) NATURALIZED AMERICAN CITIZENS OF ITALIAN BIRTH; (2) PERSONS BORN IN THE UNITED STATES OF ITALIAN PARENTS BEFORE THE NATURALIZATION OF THE PARENTS; (3) PERSONS SO BORN AFTER SUCH NATURALIZATION. DUAL CITIZENSHIP. CORRESPONDENCE RELATING TO NEGOTIATION OF A NATURALIZATION CONVENTION.[1]

File No. 365.117/59.

Ambassador Page to the Secretary of State.

No. 234] AMERICAN EMBASSY,
Rome, January 11, 1915.

SIR: Referring to the correspondence in regard to the detention in Italy by the military authorities of the Reverend Dominick Cas-

[1] Continued from For. Rel. 1914, pp. 389–423. See also the circular, ante, p. 25.

setta [2] who, as already reported by the Consul at Florence, left Italy early in December without awaiting official permission to do so, I have the honor to enclose herewith a copy of a note received today from the Royal Minister of Foreign Affairs upon the subject of his detention, as well as upon the general question involved.

I have [etc.]

THOMAS NELSON PAGE.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Ambassador Page.

No. 6.] FOREIGN OFFICE,
Rome, January 7, 1915.

MR. AMBASSADOR: With reference to your last note, of the 9th of December, No. 341, in regard to the Cassetta case,[3] I have the honor to inform your excellency that the Minister of War has just advised me that the incomplete information as yet in the possession of that Ministry regarding Domenico Cascetta or Cassetta makes it necessary to still further delay a definite reply to your excellency's inquiries regarding him.

It has been ascertained, however, that Domenico Cascetta, the son of Anello and Gentilella Rosa, was born at Auletta, in the District of Sala Consilina, on May 30, 1878, and his present military status is perfectly regular, because the class to which all those born in the same year in which he was born has been enrolled in the Third Category.

The Prefect of Naples as well as the Under Prefect of Sala Consilina have been unable to furnish any explanation regarding the obstacles which are alleged to have been interposed to prevent Mr. Cassetta's return to the country of his adoption. On the contrary, those officials affirm that no demand has ever been made upon them for a passport by Mr. Cassetta.

Speaking generally upon this subject of the return to the United States of former Italians naturalized in that country, I have the honor to point out to your excellency that while the provisions of Royal Decree No. 803 of August 6, 1914, may have suspended the emigration from Italy of every one of military age, nevertheless a circular telegram from the Ministry of the Interior dated September 7 last, which circular was afterwards confirmed by the Ministry of War, with a desire of moderating somewhat the effects of that decree, authorized the prefectural authorities of the Kingdom, in all cases of admitted and proven necessity, to issue passports to those belonging to the Third Category and, generally speaking, to those belonging to the Territorial Militia as well.

In view of the foregoing, it would not have been very difficult for Mr. Cascetta to have obtained permission to return to the United States, whenever he made the proper showing that it was necessary for him to go there.

In order for him to obtain a passport it will be necessary that he apply to the Under Prefect at Sala Consilina, which is his recruiting district.

In conclusion, it should be pointed out that Cassetta, even if he had proved that his Italian citizenship had been lost in order for him to have obtained his American citizenship, could not be exonerated by this fact from military service in Italy in view of Article 12 of the Civil Code, which was in full force and effect at the time he acquired his American citizenship, and at the time when he should have been in Italy performing his duties as a soldier.

Accept [etc.]

BORSARELLI.

File No. 365.117/56.

The Secretary of State to Ambassador Page.

No. 127.] DEPARTMENT OF STATE,
Washington, March 24, 1915.

SIR: Your despatches Nos. 177 and 221 of November 3 and December 14, 1914, concerning the status in their native land of nat-

[2] For. Rel. 1914, pp. 406, 408, 413, 416, 419, 421, and 423.
[3] For. Rel. 1914, p. 423.

uralized American citizens of Italian origin, have been received and read with interest.

In your despatch of November 3, you expressed your belief that, in view of the desire of the Italian authorities to encourage American tourists to visit Italy, it might be found possible to conclude a naturalization treaty between the United States and Italy. However, in your despatch of December 14, you said that the status had apparently changed, and that you had received a different impression from your last conversation with the Foreign Minister. The Department hopes that you will keep this very important matter in mind, and report when you come to the conclusion that the time is opportune for the reopening of negotiations with the Italian Government looking to the conclusion of a naturalization treaty. It is hardly necessary to say that the conclusion of such a treaty would be the only satisfactory way of settling the status in Italy of naturalized American citizens of Italian origin. It is hoped that the Italian Government, when it is fully convinced of the expediency of having a full and free intercourse between Italy and the United States, and when it is persuaded that this Government has no desire to protect Italians who have not obtained naturalization as citizens of the United States in good faith, or those who have expatriated themselves by protracted residence in their native land, under the provision of Section 2 of the Act of March 2, 1907, will come to the conclusion that a naturalization treaty would be of mutual advantage to the two countries.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 367.117/78.

Chargé Jay to the Secretary of State.

[Extract.]

No. 274.] AMERICAN EMBASSY,
Rome, April 1, 1915.

SIR: I have the honor * * * to recall to the Department the Embassy's previous despatches on the subject of the detention in Italy of those American citizens of military age who are considered by the Italian Government to be still Italian subjects when in Italy.

The prospects of obtaining the desired permission to return to the United States for naturalized citizens of Italian origin liable to military service in the Reserves are, unfortunately, not very hopeful. The Ambassador has pointed out that the Embassy has especially directed its efforts to cases where the applicant was born in the United States of an Italian father naturalized subsequent [4] to the son's birth; but even in these cases no definite satisfaction has been obtained, as, under the doctrine of dual allegiance and in the absence of a naturalization treaty, they are held to be Italian subjects when in Italy.

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[4] Mr. Jay doubtless meant to say "prior" instead of subsequent"; see, in For. Rel. 1914, p. 406, the despatch of September 15, where Mr. Page contrasts the Spediacci case with the others; see also p. 413 et seq., inclosures 2, 5, and 27 with despatch No. 221 of December 14. And see particularly Mr. Lansing's letter to Senator Lodge, dated June 9, 1915, post, as well as the entire correspondence concerning Da Prato, especially despatch No. 362 of August 27.

The phrases "detained by military authorities", or "refused permission to return to the United States", which are used by the applicants and in the correspondence between the Department and the Embassy should perhaps be briefly explained.

No Italian subject of military age, i. e., under 39, is permitted to leave Italy without permission; and in consequence the steamship companies generally refuse to sell tickets to anyone not provided with such permission. Moreover, the ship is searched at the port of departure and those bearing an Italian name, even if furnished with a foreign passport, are obliged to give proof that they are entitled to leave.

It will be seen, therefore, that the military authorities are only indirectly detaining the applicants, except in those rare cases where he is actually under arms, either performing his regular military service or serving in one of the few classes of First Reserves now mobilized.

I have [etc.]

PETER A. JAY.

File No. 365.117/87.

Ambassador Page to the Secretary of State.

No. 271.] AMERICAN EMBASSY,
Rome, May 11, 1915.

SIR: Referring to former correspondence on the subject of a naturalization treaty between the United States and Italy, and especially to your No. 127 of March 24, I have the honor to report that since my last despatch to you upon this subject the conditions in Italy and the exactions known to me to exist in the Ministry of Foreign Affairs here have established me in the conviction that the present, because of Italy's relation to the European war and her critical status at this moment, is an inopportune time to reopen negotiations with the Italian Government looking to the conclusion of such a naturalization treaty.

I am, however, bearing in mind your instruction contained in the above-mentioned communication of March 24, and shall address all my energies to further your views as soon as the present crisis here, passes.

I have [etc.]

THOMAS NELSON PAGE.

File No. 365.117/106.

Senator Lodge to the Counselor of the Department of State.

NAHANT, *June 5, 1915.*

MY DEAR MR. LANSING: I am much indebted to you for your telegram [5] and also for your letter of the 2d.[5] I enclose herewith certified copies of the court record of Antonio Da Prato's naturalization and of the birth certificate of his son Ugo. Their citizenship, therefore, is perfectly clear.[6]

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[5] Not printed.
[6] See For. Rel. 1914, pp. 422–423, inclosure 28.

I note what you say in regard to the Italian law, which obviously does not apply to young Da Prato; but, speaking generally, I cannot assent for a moment to the proposition that such a thing as dual citizenship is possible. As you well know, we constituted ourselves the champions against the doctrine of indefeasible allegiance and have succeeded in compelling the acceptance of our view by all the nations with the exception, I think, of Russia and Turkey. The abandonment of indefeasible allegiance is in itself the establishment of the principle that there can be no such thing as dual citizenship, either in whole or in part, and to attempt to retain the right over a boy born in this country of parents not naturalized—which is not the case with Da Prato—for military service in the country of origin of the parents is absurd on its face and is something to which we should never assent for a moment. The German law, promulgated on January 1, 1914, is of course a denial of the doctrine for which we have successfully contended for three quarters of a century and carries with it the monstrous proposition that a man retaining allegiance in the country of origin is supported by that country in committing perjury by taking the oath of allegiance to the United States and becoming naturalized and renouncing allegiance to the country of birth while he retains citizenship there. The proposition is so preposterous that it is difficult to state it intelligently. Italy, for example, has no possible claim on the children of Italian parents, not naturalized, born in this country, especially if they have exercised all the rights of citizenship as they are entitled to do under the 14th Amendment to the Constitution. Such a child has never been an Italian subject for one minute. Italy has no more claim on him than she has on one of my children or on one of yours. I believe that there is also something similar to this in French law. We shall find ourselves in a very awkward position with our large body of naturalized citizens and their children if we do not take the strongest position against Article 12 of the Italian Civil Code which you quote.

Very truly yours,

H. C. LODGE.

File No. 365.117/94.

The Secretary of State to Ambassador Page.

[Telegram]

DEPARTMENT OF STATE,
Washington, June 7, 1915.

252. From affidavit of brother of Frank L. Ghiloni it appears that latter resided in Italy about ten years during childhood, returned this country at age of twelve and resided here continuously until last June, when he went to Italy for his health on advice physician, confirmed by physician's affidavit. His father naturalized when Ghiloni was less than one year old.

Call Italian Government's attention to fact Ghiloni was born a citizen of the United States under its law. As he was domiciled in this country when he attained majority, nearly nine years ago, has evidently made practical election American nationality, and visited Italy last June for a temporary purpose, it would seem just and reasonable for the Italian Government to permit him to leave Italy and

return United States. It is hoped Italian Government, upon a full presentation of these facts, will grant this.

BRYAN.

File No. 365.117/282.

Ambassador Page to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Rome, June 8, 1915.

318. Enrico Ajello, holder passport 51345 February this year, detained by military authorities pending proof his father naturalized before his birth. His brother Antonino lives 2433 First Avenue, New York. Can you verify and cable Embassy?

AMERICAN EMBASSY.

File No. 365.117/98a.

The Secretary of State ad interim to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 9, 1915.

254. Department informed Ugo Da Prato, born Boston August 25, 1895, drafted in 50th Co., 49th Inf. regiment at Turin. His birth certificate, and naturalization certificate of his father Antonio Da Prato, received. Latter shows father born in Barga, Italy; naturalized in United States, District Court Boston, March 19, 1892; that is, before the son's birth. Ugo went to Italy in 1912 to study architecture and has been in Pietrasanta. Inform Italian Government of above facts. Ask for immediate release.

LANSING.

File No. 365.117/106.

The Secretary of State ad interim to Senator Lodge.

DEPARTMENT OF STATE,
Washington, June 9, 1915.

MY DEAR SENATOR LODGE: I have received your letter of June 5, 1915, in reply to my letter of June 2, concerning the detention in Italy for military service of Ugo Da Prato, who was born in Boston, August 25, 1895, and went to Italy in 1912 to study architecture, and whose father, Antonio Da Prato, a native of Italy, obtained naturalization as a citizen of this country in the District Court of the United States at Boston, March 19, 1892, that is, before the son's birth. Accompanying your letter are the birth certificate of Ugo Da Prato and the naturalization certificate of his father.

The Department has telegraphed to the American Ambassador at Rome, directing him to call the attention of the Italian Government to the facts mentioned above, ask for the immediate release of Ugo Da Prato, and report the result. As Ugo Da Prato was born in this country after his father had obtained naturalization as a citizen of the United States, it does not appear that he can be considered an

Italian subject under Italian law, and I have no doubt that he will be released. I shall be glad to inform you of the Ambassador's report.

In the Department's letter of June 2 you were asked to forward not only the birth certificate of Ugo Da Prato, but the naturalization certificate of his father, and in this connection the following statement was made:

> The Department is being called upon to take action in a good many cases similar to that of Ugo Da Prato. The Italian law concerning naturalization of Italians in foreign countries is peculiar. Article 11 of the Italian Civil Code contains the following provision:
>
> Article 11. Citizenship is lost by the following persons:
> 1. * * *.
> 2. He who has acquired citizenship in a foreign country.
>
> Article 12, however, reads as follows:
>
> Article 12. The loss of citizenship in the cases mentioned in the foregoing article does not work exemption from the obligations of the military service, nor from the penalties imposed on those who bear arms against their country.
>
> Under the provisions of law mentioned, the Italian Government recognizes the naturalization of Italians as citizens of other countries, but holds them liable for military service in Italy unless they have been expressly excused therefrom. In view of Article 11, persons born in this country of fathers naturalized before their births are not considered Italian subjects or held liable for military service in Italy. It is very important that in each case of this kind the Department should be furnished with the best documentary evidence procurable of the naturalization of the father and the subsequent birth in this country of the son, so that necessary assurances may be given to the Italian Government.

In your letter under acknowledgment you make the following observations:

> I note what you say in regard to the Italian law, which obviously does not apply to young Da Prato; but, speaking generally, I cannot assent for a moment to the proposition that such a thing as dual citizenship is possible. As you well know, we constituted ourselves the champions against the doctrine of indefeasible allegiance and have succeeded in compelling the acceptance of our view by all the nations with the exception, I think, of Russia and Turkey. The abandonment of indefeasible allegiance is in itself the establishment of the principle that there can be no such thing as dual citizenship, either in whole or in part, and to attempt to retain the right over a boy, born in this country of parents not naturalized—which is not the case with Da Prato—for military service in the country of origin of the parents is absurd on its face and is something to which we should never assent for a moment.

After making some observations concerning the provision of the German law of nationality of June 1, 1914, according to which Germans who obtain naturalization as citizens of other countries may, under certain conditions, retain their German nationality, and after observing that any alien who endeavors to retain his original allegiance when he takes an oath of allegiance to the United States and becomes naturalized as a citizen of this country commits perjury, you say:

> Italy * * * has no possible claim on the children of Italian parents, not naturalized, born in this country, especially if they have exercised all the rights of citizenship as they are entitled to do under the 14th Amendment of the Constitution. Such a child has never been an Italian subject for one minute. Italy has no more claim on him than she has on one of my children or on one of yours. I believe that there is also something similar to this in French law. We shall find ourselves in a very awkward position with our large body of naturalized citizens and their children if we do not take the strongest position against Article 12 of the Italian Civil Code which you quote.

The argument contained in your letter is similar to that in an article which appeared in the June number of the Metropolitan magazine, in reference to the Department's letter of April 2 to Mr. P. A. LeLong, Junior, of Louisiana, concerning his citizenship.[7] In the Department's letter to Mr. LeLong his attention was called to the fact that although having been born in this country he was an American citizen under American law it appeared that he was also born a French citizen under French law, because of the fact that his father was a French citizen. The Department therefore observed that he appeared to have been born with "a dual nationality."

As this general subject has been the cause of considerable comment, I venture to discuss the matter at some length.

Dual nationality is not a theory or doctrine promulgated by the Department, but is the unavoidable result of the conflicting laws of different countries. Under the American law of nationality, which is derived from the English law, American nationality is based primarily upon the fact of birth within American territory and jurisdiction, under what is known as the *jus soli;* whereas in the countries of continental Europe nationality is acquired primarily through descent, under the *jus sanguinis.* This follows naturally from the basis of jurisdiction which in the common law is the *locus* and in the civil law the *persona.* The Revised Statutes of the United States, however, contain the following provision in Section 1993 (Act of April 14, 1802):

> All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

A provision substantially similar to the above was added to the original British law of nationality. Also the laws of some, although not all, countries of continental Europe contain provisions under which nationality is acquired, under certain conditions, through birth within their territory. The status of a person who is born a citizen of one country under the *jus soli* and a citizen of another country under the *jus sanguinis* is commonly termed "dual nationality." Whether or not this term is considered apt, the fact remains that many persons are born citizens or subjects of two countries under their respective laws. Thus a person born in Italy of American parents is born a citizen of the United States, provided his father has resided in this country; but under certain conditions he may also be considered an Italian subject. Also, a person born in the United States of Italian parents is born a citizen of the United States under the law of this country, and a subject of Italy under the law of Italy.

The fact of dual nationality has been recognized by the Department for many years. Secretary of State Fish in a report to the President dated August 25, 1875, said:

> The child born of alien parents in the United States is held to be a citizen thereof and to be subject to duties with regard to this country which do not attach to the father.

[7] See, under France: Liability to French Military Service, inclosure 2 with Mr. LeLong's letter of April 8, 1915, p. 387

The same principle on which such children are held by us to be citizens of the United States, and to be subject to duties to this country, applies to the children of American fathers born without the jurisdiction of the United States, and entitles the country within whose jurisdiction they are born to claim them as citizens and to subject them to duties to it.

Such children are born to a double character; the citizenship of the father is that of the child so far as the laws of the country of which the father is a citizen are concerned and within the jurisdiction of that country; but the child, from the circumstances of his birth, may acquire rights and owes another fealty besides that which attaches to the father. (Moore's International Law Digest, Volume 3, page 520.)

I desire further to call your attention to the following statement in the report of the Citizenship Board which was appointed during the administration of President Roosevelt "to inquire into the laws and practice regarding citizenship of the United States, expatriation, and protection abroad, and to report recommendations for legislation to be laid before Congress," which report was forwarded to the Speaker of the House of Representatives by Secretary of State Elihu Root, with a letter of approval and commendation, dated December 18, 1906:

Inasmuch as our Government declares that all persons born in the United States are citizens of the United States, and also recognizes, as well as adopts, on its own part, the rule that children of citizens resident abroad are citizens of the country to which the parents owe allegiance, there arises, as will be seen, a conflict of citizenship, spoken of usually as dual allegiance. (House Document No. 326, 59th Congress, 2d Session, page 74).

A full discussion of the subject of dual allegiance may be found in Moore's Digest of International Law, Volume 3, pages 518–551.

For the reasons mentioned above it is obviously important for the Department, in dealing with the case of a person who was born in this country and had a father of Italian birth, to ascertain whether his father had previously acquired naturalization as a citizen of the United States. This is especially important when it is a case, such as that which you have presented, of a person who has not yet reached his majority. The extent to which this Government may go and the arguments which it may use in the actual protection of persons who were born in the United States of alien fathers and who may be molested while temporarily visiting the countries of origin of the latter must necessarily depend upon the particular facts and circumstances of each case. In no case, in the absence of conventional arrangements, can the Department assure such persons in advance that they will not be held liable, under the laws of other countries concerned, for the performance of military or other public service attaching to citizenship. In the Department's letter of May 5 to Mr. P. A. LeLong, Junior, the following statement was made:

If at any time in the future you should find it necessary to visit France and should there be molested upon the ground that you are a French citizen, you should inform a diplomatic or consular officer of the United States, who would report the matter to the Department in order that it might take such measures in your behalf as would seem warranted by the peculiar facts and circumstances of your case.

The Department, having advised American citizens generally "to avoid visiting unnecessarily countries which are at war," did not encourage Mr. LeLong to choose the present time to make an unnecessary test of his political position in France,

The cases of persons born in the United States of alien parents should not be confused with the cases of persons born abroad who have obtained naturalization as citizens of this country. In the former cases the Department recognizes now, as it always has heretofore, that the persons concerned are born with a dual nationality. In the latter cases the Department does not recognize the existence of dual nationality in view of the fact that persons who obtain naturalization as citizens of this country are required to renounce their original allegiance.

While this Government holds that naturalized American citizens cannot rightfully be called upon to perform military or other obligations which had not actually accrued before their emigration, the Department has always deemed it advisable to call the attention of naturalized Italians to the position in which they will be placed in case they voluntarily return to Italy. During and since the administration of President Roosevelt the Department of State has accordingly issued a circular warning them to this effect, entitled: "Notice to American Citizens Formerly Subjects of Italy who Contemplate Returning to that Country," which contains the following statement:

> Naturalization of an Italian subject in a foreign country without consent of the Italian Government is no bar to liability to military service.

Similar circulars have been issued during and since the administration of President Roosevelt calling attention to the status in their native lands of naturalized citizens of the United States born in France and other European countries. In the circular concerning naturalized Germans attention is called to the fact that naturalization of such persons in this country is recognized by the German Government under the treaties concluded with the German States in 1868, commonly known as the "Bancroft Treaties." In this connection I may say that the United States has concluded naturalization treaties with the following countries of Europe besides Germany: Austria-Hungary, Belgium, Denmark, Great Britain, Norway, Sweden and Portugal.

With reference to your remarks concerning the status of Germans who acquire naturalization in this country, and particularly to the provision of the new German law of nationality according to which German allegiance may be retained under certain conditions by Germans naturalized abroad, I may say that it is quite true that no alien can lawfully acquire American citizenship through naturalization and at the same time voluntarily retain his original nationality; for the third section of the Naturalization Act of June 29, 1906, makes the following requirement of every alien applying for naturalization as a citizen of this country:

> He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

It is obvious that any person who takes the oath just quoted and at the same time voluntarily retains or attempts to retain his origi-

nal allegiance is guilty of perjury and dishonor. Moreover, the naturalization of such a person would be open to cancellation as fraudulent, under the provision of Section 15 of the Naturalization Law.

The Department of State has not been informed of any case in which a German has attempted to acquire American citizenship through naturalization and at the same time retain his German nationality under the provision of Section 25 of the German Law of Nationality.

In closing, allow me to say that this Government has not receded from the position taken many years ago as to the natural right of men to make a voluntary change of nationality, commonly known as the right of expatriation. Nevertheless the Department of State deems it proper to continue the practice which it has followed for many years of informing naturalized American citizens of the position in which they will find themselves in case they voluntarily visit their native countries. For the same reason the Department deems it proper to warn persons having a dual nationality of the claims which may be made upon them by the other countries concerned. It is believed that the Department would not be performing its full duty in this matter if it should fail to give this information.

Very truly yours,

ROBERT LANSING.

File No. 365.117/282.

The Secretary of State ad interim to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE.
Washington, June 10, 1915.

256. Your 318, 8th. Enrico Ajello was born in New York City, March 15, 1882. Father naturalized October 25, 1889. With exception short business trip Italy 1906, has resided continuously this country. Ask release, referring Department's telegram 7th concerning Ghiloni. Report. Ajello case previously taken up with Consul Naples.

LANSING.

File No. 365.117/98.

Ambassador Page to the Secretary of State ad interim.

[Telegrams.]

AMERICAN EMBASSY,
Rome, June 10, 1915.

321. Department's 254, June 9. Embassy has made several urgent representations to Foreign Office on behalf of Ugo Da Prato during past few months. Foreign Office, May 4, stated military authorities after full investigation ruled that his father Antonio, now in Italy, reacquired Italian citizenship under Law No. 555 of June 13, 1912, because he had returned to Italy and resided here more than two years; further, that this citizenship had been communicated to the son and consequently the son is found to be an Italian citizen and

must perform military service.[8] Embassy is continuing to press for release, but decision of military authorities in all these cases has been adverse.

AMERICAN EMBASSY.

File No. 365.117/99.

AMERICAN EMBASSY,
Rome, June 11, 1915.

322. Department's 252, 7th. Ghiloni case brought attention Foreign Office 8th instant, with request for early and favorable action; but no reply as yet.

AMERICAN AMBASSADOR.

File No. 365.117/98.

The Secretary of State ad interim to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 14, 1915.

261. Your 321, June 10. Inform Italian Government Ugo Da Prato has been residing in Italy temporarily to study architecture. His father, Antonio Da Prato, has been there representing his firm, A. Da Prato Company of Boston, dealers in marble and works of art, and also preparing exhibit of company for Panama Exposition. As his stay in Italy has been in the interest of trade and commerce between that country and the United States, it seems manifestly unreasonable to apply to him the provision of Italian law mentioned in your telegram. For this reason and because Ugo Da Prato was born an American citizen and evidently had no intention to resume Italian nationality, it is earnestly hoped latter will be speedily released.

LANSING.

File No. 365.113/128.

Senator Lodge to the Secretary of State ad interim.

NAHANT, MASS., *June 16, 1915.*

MY DEAR MR. SECRETARY: I have received your letter of June 9 in reply to my letter laying before you the case of Ugo Da Prato who has been held for service in the Italian Army. You very properly asked me for proof of his birth in this country subsequent to the naturalization of his father as an American citizen, and I sent you proofs both of the father's naturalization and of the son's birth in the city of Boston. These facts clearly took the case out of the provisions of the Italian Code, but your intimation, as I understood it, that if these facts had not existed and if young Da Prato's father had not been a citizen of the United States we should have had no claim for his release, led me to make some observations of a general character and in very general terms on the theory of dual citizenship or dual nationality.

[8] The Foreign Office note here cited is printed in full as inclosure 1 with Mr. Page's No. 318, June 17, 1915, p. 567.

As a matter of course I am familiar with the doctrines of the *jus soli* and the *jus sanguinis* to which you refer, and also with the conflict of laws, which has been the subject of much learned discussion and which exists in regard to other matters as well as in regard to citizenship. But the fact that there is a conflict of laws is very different from admitting that the law in conflict with our own is valid. Because Italy, or any other country, has a law which conflicts with ours it does not follow that we should fail to sustain our own law and our own doctrine. If we did so there would be no conflict of laws because we should then submit to the law of another country instead of maintaining our own. In a case like that of LeLong this conflict of laws would arise both with France and Italy, yet there can be no doubt whatever that under the 14th Amendment to the Constitution LeLong is a citizen of the United States and as such is subject to all the duties and entitled to all the rights of a citizen of the United States including that of protection by the Government. The fact that France or Italy, or any other country, makes a claim upon an American citizen, situated as LeLong was, does not alter the duty of the United States toward him under our own Constitution.

The report of Secretary Fish, which you cite, says that such children are born to a double character, which is no doubt true; but if the child acquires and exercises the rights of a citizen of the United States it does not seem to me that he can be deprived of the rights which we give him by the laws of another country of which his father happened to be a citizen.

Secretary Root, in the report which you cite, refers to it as a "conflict of citizenship," which is correct, and says it is usually spoken of as a dual allegiance, which, if I may venture to say so, is a loose and misleading phrase, for a man can have but one allegiance even if two countries by their laws make claim to him as a citizen or subject.

What I said in my first letter was due to the fact that it seems to me that the United States should never, and particularly at this time should not, abate in any way in its duty to those who under its own Constitution and Laws are American citizens, or fail to support their rights as we have established them or permit them to be in any way infringed. Under the German law, which was promulgated I believe in January, 1914, we have a different situation. That law does not create a conflict of laws, but establishes a dual allegiance, which, as you point out, is contrary to our laws and absolutely incompatible with our oath of allegiance.

Very truly yours,

H. C. LODGE.

File No. 365.117/109.

Ambassador Page to the Secretary of State ad interim.

No. 318.] AMERICAN EMBASSY,
Rome, June 17, 1915.

SIR: Referring to the Department's telegram No. 254 of June 9 and telegram No. 261 of June 14 in regard to the detention by the military authorities of Ugo Da Prato, I have the honor to enclose herewith a copy of my last note to the Foreign Office upon the sub-

ject, which I have handed personally to the Foreign Office yesterday afternoon.

This case has been receiving the Embassy's most earnest attention since it was first brought to its notice in November of last year by the American Consul at Leghorn, and it has been the subject of considerable correspondence between the Embassy and the Foreign Office.

Recognizing the importance of the principle on which this case is based, I took occasion to discuss again with the Minister for Foreign Affairs, the entire subject of the detention in Italy of native-born American citizens, born after the naturalization of their father.

I impressed on him the fact that it has, for more than a hundred years, been a traditional principle of the United States to protect its citizens, and that it was one which he would, I felt sure, recognize as impossible to be waived. He promised to have the question studied carefully at once.

I beg to enclose also a copy of the last note of the Minister of Foreign Affairs regarding the case.

I have [etc.]

THOMAS NELSON PAGE.

[Inclosure 1—Translation.]

The Minister for Foreign Affairs to Ambassador Page.

ROYAL MINISTRY FOR FOREIGN AFFAIRS,
Rome, May 4, 1915.

MR. AMBASSADOR: In relation to my note No. 6 of January 7 last,[9] I have the honor to communicate to your excellency that the Minister of War has just informed me that, from the information he has been able to gather and from the communications received from the interested parties, it appears that Mr. Antonio Da Prato, the father of the young man Mario Ugo Da Prato (the said father having lost his Italian citizenship before the birth of his son, by reason of his having taken out naturalization papers in the United States), having changed his residence a number of times between the United States and Italy, finished finally by establishing himself in 1911 with his family in Italy, where he has resided continuously ever since.

Such being the facts in the case, the Ministry of War has been obliged to find that Mr. Antonio Da Prato, in accordance with the provisions of Article 9 No. 3 of the Law of June 13, 1912, numbered 555, has reacquired Italian citizenship, because of his having returned to the land of his nativity and resided therein for more than two years.

That Ministry is also obliged to maintain that this same Italian citizenship, in accordance with Article 12 of the above cited law, has been communicated to his son, Mario Ugo, now residing with his father.

For these reasons, young Mario Ugo Da Prato is found to be an Italian citizen, amenable to military service; that his name cannot be removed from the recruiting lists of the Kingdom; and that he must soon respond to the call to the colors and serve as a soldier in the Italian army.

Accept [etc.]

SONNINO.

[Inclosure 2.]

Ambassador Page to the Minister for Foreign Affairs.

No. 571.] AMERICAN EMBASSY,
Rome, June 16, 1915.

EXCELLENCY: With reference to my note No. 557 of June 11 and to our previous correspondence on the subject of the detention in Italy by the military

[9] Inclosure with Mr. Page's No. 234 of January 11, fourth paragraph, p. 555.

authorities of Mario Ugo Da Prato, a native born American citizen, born after his parents had become duly naturalized American citizens, I have the honor to inform your excellency that I have just received from my Government the following telegram, expressive of the great interest which is taken by my Government in the case:

[Quotes Department's telegram 261 of June 14.]

Your Excellency will appreciate the point raised by my Government, namely, that the father's residence in Italy has been in the interest of trade and commerce between Italy and the United States and not, as has apparently been considered by the Royal Italian Ministry of War, by reason of a permanent change of residence.

Consequently, it would certainly seem that the Law No. 555 of June 12, 1912, which was quoted in your excellency's note of May 4, No. 25019/101, should not be applied in this case.

In fact, this case and the few other cases of native-born American citizens—born, like this youth, after their parents became American citizens—rest on a principle which is, I believe, recognized by Italy and by all other powers; and I feel confident that when the fact shall be realized, your excellency's Government will appreciate the earnestness with which the case is now presented, and the sanctity of the principle involved.

I therefore hope that your excellency will enable me to send a favorable telegraphic reply to my Government at the earliest possible moment.

Accept [etc.]

THOMAS NELSON PAGE.

File No. 365.117/100.

Ambassador Page to the Secretary of State ad interim.

[Telegrams.]

AMERICAN EMBASSY,
Rome, June 17, 1915.

331. Department's 261, June 14, Da Prato case. Presented yesterday personally a further note to Minister Foreign Affairs and urged prompt action. He promised to have matter carefully studied immediately.

AMERICAN EMBASSY.

File No. 365.117/101.

AMERICAN EMBASSY,
Rome, June 18, 1915.

332. Your 256, June 10. Enrico Ajello still detained for military service. Inform his brother Antonio, 430 31st Avenue, New York, and request $100 to be telegraphed Embassy to maintain him pending release.

AMERICAN EMBASSY.

File No. 365.117/109.

The Secretary of State to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 12, 1915.

282. Your despatch 318, June 17. What reply received your note June 16 to Foreign Minister concerning detention of Ugo Da Prato?

LANSING.

File No. 365.17/109.

The Secretary of State to Senator Lodge.

DEPARTMENT OF STATE,
Washington, July 12, 1915.

SIR: With reference to the Department's letter of June 9 and other correspondence concerning the detention in Italy for military service of Ugo Da Prato, a native American citizen, I send you herewith a copy of a despatch No. 318 of June 17, 1915, from the Ambassador at Rome, and copies of its enclosure: a note of May 4 from the Italian Foreign Minister to the Embassy, and a note of June 16 from the Embassy to the Foreign Minister. It appears from the latest correspondence in this case that the Italian authorities contend that Antonio Da Prato, father of Ugo, has resumed his original status as an Italian subject, under Italian law, in view of his residence of over two years in his native land, and that his son has thereby been naturalized as an Italian subject. As you will also note, the Ambassador, under instructions from the Department, has protested against the application of the Italian law mentioned, in the cases of Ugo Da Prato and his father, since it is understood that they both went to Italy for temporary residence, the father to represent the firm of A. Da Prato and Company of Boston, and the son to study architecture.

The Department is telegraphing to the Ambassador to report by telegraph as to what reply, if any, has been received to his note of June 16 to the Italian Foreign Minister. Meantime it is suggested that it might be well for you to obtain and send to the Department such evidence as may be procurable concerning the temporary nature of the residence of the Da Pratos in Italy. In this connection it might be well to obtain from an officer of the firm of A. Da Prato and Company an affidavit stating his knowledge concerning the residence in Italy of Antonio Da Prato and his son Ugo, their present connections of property, business and family with this country, and their intention of returning to the United States for permanent residence.

I have [etc.]

ROBERT LANSING.

File No. 365.117/111.

Ambassador Page to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Rome, July 14, 1915.

351. Department's 282, July 12. Embassy doing everything possible to obtain revision of War Department's previous decision against Da Prato, but as yet no reply received to its repeated and urgent requests for his release. Bringing case to its attention again today

AMERICAN EMBASSY.

File No. 365.117/116a.

The Secretary of State to Ambassador Page.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, July 20, 1915.

286. Ask whether Giacomo Carmine Mazza may be permitted to leave Italy for United States. Born Danbury, Connecticut, July 16, 1897; went to Italy November 22, 1903, to study cabinet-making. Residence Pietrapertose, Province Basilicata. Father declared intention become American citizen October 31, 1896. Birth certificate and declaration intention seen.

LANSING.

File No. 365.117/112.

DEPARTMENT OF STATE,
Washington, July 20, 1915.

287. Your 322, June 11. Request early decision Ghiloni case. Say this Government hopes that Italian Government will give due consideration to fact that Ghiloni was born a citizen of the United States under the law of this country, has been domiciled in the United States since attaining his majority, about nine years ago, and has thus evidently made a practical election of American nationality; and that it will release him and allow him to return to his home in the United States. It is considered by this Government that the principle of election of nationality should be recognized in cases of persons born with dual nationality, whether or not the municipal laws of the countries concerned prescribe definite modes of election. This Government has no desire to intervene in cases of persons who were born in the United States of Italian parents but were domiciled in Italy upon attaining majority, are still domiciled there and have evidently elected Italian nationality. It is hoped that Italian Government will be willing to make a reasonable discrimination in these cases. Please endeavor discuss this matter personally with Foreign Minister and report result.

LANSING.

File No. 365.117/116.

Ambassador Page to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Rome July 22, 1915.

354. Department's 287, July 20. Have brought Ghiloni case personally again to attention Minister Foreign Affairs who promises to have matter studied promptly. He seems more favorable than formerly to idea of naturalization.

PAGE.

File No. 365.117/113.

The Secretary of State to Ambassador Page.

No. 188.] DEPARTMENT OF STATE,
Washington, July 29, 1915.

SIR: With reference to your telegram No. 332 of June 18, 1915, concerning the detention of Enrico Ajello for military service, the Department sends you herewith copy of a letter[5] of July 14, 1915, from Mr. Elmer C. Miller, asking that representations be made to the Italian Government for the release of Mr. Ajello. It is desired that you request an early decision of this case, and to report the result.

I am [etc.]

ROBERT LANSING.

File No. 365.117/123.

No. 194.] DEPARTMENT OF STATE,
Washington, August 4, 1915.

SIR: With reference to the Department's telegram No. 261 of June 14 and other correspondence concerning the detention in Italy for military service of Ugo Da Prato, who was born in this country August 25, 1895, and whose father, Antonio Da Prato, had previously obtained naturalization as a citizen of the United States, I send you herewith a copy of a letter of July 29, 1915, from Senator Lodge, and a copy of an accompanying affidavit[5] of Giovanni Da Prato, brother of Antonio, concerning the cause of the residence in Italy of the latter and his son Ugo Da Prato since July, 1910. It appears from this affidavit that Antonio Da Prato is still president of the A. Da Prato Company of Massachusetts, and went to Italy for the purpose of extending the business of the company and preparing an exhibit for the Panama Exposition at San Francisco; also to place his son Ugo in a school of art and architecture in Italy. It appears further that the father and son did not go to Italy to reside permanently, but intended, and still intend, to resume their residence in this country.

You will please present copies of the papers mentioned to the appropriate Italian authorities, and express the earnest desire of this Government that Ugo Da Prato's name be removed from the Italian military list, and that he be permitted to leave Italy and return to the Unted States. As stated in the Department's telegram No. 261 of June 14, it is not believed that the provision of Italian law mentioned in your telegram No. 321 of June 10 is applicable to the case of Antonio Da Prato, who evidently went to Italy for mere temporary residence, in the interest of the Massachusetts concern of which he is president. You may add that the case of the Da Pratos has been made public and discussed widely in the newspapers of this country, and that general dissatisfaction would result if the Italian Government should insist that these men are Italian subjects. Moreover, it is believed that such a decision on the part of the Italian authorities would not be propitious to commercal intercourse between Italy and the United States. It may be of interest to observe that Section 2 of the American Expatriation Act of March 2, 1907, provides that a residence of

[5] Not printed.

two years by a naturalized American citizen in his native land raises a presumption that he has ceased to be an American citizen, but that "such presumption may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States under such rules and regulations as the Department of State may prescribe." Under circular instruction [10] of April 19, 1907, to American diplomatic and consular officers entitled "Expatriation," as amended by the circular instruction [11] of May 14, 1908, a naturalized American citizen against whom the statutory presumption of expatriation has arisen may overcome such presumption by presenting evidence "that his residence abroad is solely or principally as a representative of American trade and commerce, and that he intends eventually to return to the United States permanently to reside." It thus appears that Mr. Antonio Da Prato is in a position to overcome the presumption arising under the law mentioned that he has ceased to be an American citizen. It would not be amiss to mention this phase of the matter to the Italian authorities.

I am [etc.]

ROBERT LANSING.

[Inclosure.]

Senator Lodge to the Secretary of State.

NAHANT, *July 29, 1915.*

DEAR MR. SECRETARY: I am enclosing herewith an affidavit from Giovanni Da Prato, acting president of the A. Da Prato Company, showing, as suggested in your letter of the 12th, Antonio Da Prato's business interests here together with his property and real estate. Certified copies of these deeds and mortgages can be furnished if desired but I do not suppose that it is necessary. It is perfectly evident that Antonio Da Prato not only has not given up his residence here but that he always had and still has the animus revertendi.

I hope that this affidavit may enable the Department to obtain favorable action from the Italian Government.

Very truly yours,

H. C. LODGE.

File No. 711.654/11.

Ambassador Page to the Secretary of State.

No. 345.] AMERICAN EMBASSY,
Rome, August 4, 1915.

SIR: Referring to my despatch No. 221 of December 14, 1914, I have the honor to report that I have again taken up with the Minister for Foreign Affairs the subject of a naturalization treaty between the Governments of the United States and of Italy. In view of the numerous cases which have arisen, and of the conflict of laws of the two countries touching the calling under military service by the Royal Italian Government of American citizens of Italian birth and descent, and of the consequent misapprehension which appears to arise therefrom, and indeed of the friction which may be caused thereby, it has seemed opportune to me to bring this matter of a naturalization treaty again to the attention of the Minister for Foreign Affairs.

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[10] For. Rel. 1907, p. 3. [11] For. Rel. 1908, p. 2.

On Saturday last in presenting a note to the Minister for Foreign Affairs, asking for the release from detention for military service by the Royal Italian Government of the American citizen Agostine Modesto Berardini, I took occasion to go again over the whole subject of the detention of American citizens. Some of these were naturalized and others were born American citizens of naturalized parents of Italian birth. I presented to the Minister personally with the utmost earnestness the difficulties and, indeed, to some extent, the perils which the present status of the apparently conflicting laws of the two countries or at least of the conflicting interpretation of those laws on this subject contains. And I urged upon him the importance of having without delay a convention of naturalization which should eliminate what appears to be fraught with a real menace to the good relations existing between our two countries.

I pointed out to him the obvious fact that the protection of our citizens, especially of those who are citizens by birth, is, irrespective of any treaty, one of the fundamental rights of those citizens and one of the fundamental duties of every government; that the protection of naturalized citizens is equally fundamental both as a right and as a duty where it does not contravene some other fundamental law; and that it is the part of wisdom, where such dangers are apparent, to obviate them in time by providing against them in clear and unmistakable terms.

He enquired what our experience had been with Germany, which he said must have had many such cases to deal with. I told him I could not speak as to recent experiences, but I hardly thought Germany's attitude one which either of us could cite as quite applicable at the present time.

I feel that I made some impression upon him because our interview ended with his asking me to send him a list of all the cases for whose release I had applied, placing them in two classes: one, those of persons born in America after their fathers' naturalization, and the other containing those born previous to naturalization.

He said further that he would have the whole question relating to the detention and discharge of such persons carefully studied.

I informed him that his office was full of notes relating to these cases. He said he knew that, but would like to have a personal note from me segregating the cases into two classes and he would see if any distinction could be drawn between them.

I have accordingly sent a note relating to the cases, of which I believe there were nine in all, still unsettled.

In view of the foregoing I do not think it would be amiss to have a form of some convention which might be acceptable to our Government and also give promise of being reasonably acceptable to the Italian Government, prepared and sent me, so that I might bring to the attention of the Italian Government in a rather more definite way, though, of course, only by way of suggestion, our desires on this subject. This might serve as the beginning of negotiations which might lead eventually to the negotiation of a treaty reasonably acceptable to both Governments.

I could, of course, formulate such a draft myself, along the lines of our treaties with Germany and Austria-Hungary, but I fancy that it would be better done in the Department, where there is greater

familiarity with such forms than I could pretend to possess. Moreover, I desire to have an expression of your views on the details of this important matter.

I have [etc.]

THOMAS NELSON PAGE.

File No. 365.117/129.

Ambassador Page to the Secretary of State.

[Telegrams.]

AMERICAN EMBASSY,
Rome, August 13, 1915.

368. Informed following American citizens, held for military service, ordered released as born after father's naturalization: Gasparo Gallo; Francesco Leone. Alberto Tumolillo has already left Italy. Following three, now under arms, being looked into and a decision will shortly follow: Leroy Barsotti; Ugo Da Prato; Francesco Ghiloni.

PAGE.

File No. 365.117/132.

AMERICAN EMBASSY,
Rome, August 18, 1915.

371. Regarding my 368, August 13, Foreign Office officially confirms release Gasparo Gallo, Francesco Leone; confirms departure Alberto Tumolillo; states following five cases—Leroy Barsotti, Mario Ugo Da Prato, Francesco Ghiloni, Carmine Mazza and Agostino Berardini—being carefully investigated; and promises early definite reply, which Embassy unofficially understands may be favorable.

NELSON PAGE.

File No. 365.117/157.

Ambassador Page to the Secretary of State.

No. 358.] AMERICAN EMBASSY,
Rome, August 20, 1915.

SIR: With reference to the Department's despatch No. 188 of July 29, 1915, I have the honor to state that information of Enrico Ajello was first brought to the attention of the Embassy by the American Consul at Naples, who enclosed me a copy of a telegram sent [April 16] to the Department asking for information regarding the American citizenship of Ajello. Following this I received a letter from the Consul, dated May 4, 1915, from which I give the following extract:

> It is understood that the local authorities, now being satisfied that Mr. Ajello is a native-born American citizen, are willing to permit him to embark, notwithstanding the fact that he is not able to prove to their satisfaction that he was born after his father acquired American citizenship.

After this Mr. Ajello came to Rome and requested that this Embassy telegraph to his brother (see my telegram No. 332 of June 18, 1915) asking him to send him $100 with which to pay his passage to America, also stating at the same time that he felt sure that he would not be prohibited from leaving Italy if he had a sufficient

amount to pay his passage. Since that time he has not been heard from.

I am today writing the Consul at Naples to know if Mr. Ajello has returned there and his present situation.

I have [etc.]

THOMAS NELSON PAGE.

File No. 365.117/135.

Ambassador Page to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Rome, August 24, 1915.

383. Referring Department's 282, July 12. Foreign Office reports today Da Prato has been released.

NELSON PAGE.

File No. 365.117/149.

Chargé Jay to the Secretary of State.

No. 360.] AMERICAN EMBASSY,
Rome, August 24, 1915.

SIR: Referring to the Embassy's telegram No. 383 of this morning, reporting the release from military service of Mario Ugo Da Prato, I have the honor to enclose, herewith, translation of the Foreign Office note received this morning which gives this information.

I desire respectfully to draw attention to the second paragraph, which virtually states that Da Prato must return to the United States, or in any case leave Italy within two months.

It would appear to me that, from the point of view of international law, the Italian Government has not the right in this case to enforce the departure from Italy of a native-born American citizen, though I realize that in municipal law it possesses the right to deport any foreigner.

The Department will doubtless give the Embassy instructions by telegraph, should it desire any action taken upon this point. I may, however, express a personal opinion that it would perhaps be inadvisable at this time to raise objections, owing to the great difficulty which the Embassy has experienced in securing the release of American citizens now with the colors.

It will be recalled (see the Embassy's despatch No. 318 of June 17) that the Foreign Office in its note of May 4 (a copy of which was enclosed in the above-mentioned despatch) claimed that Da Prato had resumed his Italian nationality, or rather had become an Italian subject through his father's residence in Italy.

I have [etc.]

PETER A. JAY.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Ambassador Page.

MINISTRY FOR FOREIGN AFFAIRS,
Rome, August 23, 1915.

MR. AMBASSADOR: I have the honor to inform your excellency that, according to a communication which has just reached me from the Royal Ministry of War, instructions have been given on the 20th instant for the release from military service of Mario Ugo Da Prato.

The Royal Ministry of War has added, however, that said concession has been made under the presumption that Da Prato intends to reestablish his residence abroad, as would appear from his petition, and for such expatriation a period of two months from the date of release has been fixed, which is similar to those rules regulating leave for temporary residence at home (in patria) of soldiers granted provisional exemption in time of peace.

Pray accept [etc.]

S. SONNINO.

File No. 365.117/159.

Ambassador Page to the Secretary of State.

No. 362.] AMERICAN EMBASSY,
Rome, August 27, 1915.

SIR: Referring to Department's No. 194 of August 4, the Department is already in receipt of information that Ugo Da Prato has been released from military service by the Royal Italian Government, together with other Italian citizens, born of Italian parents after their father had become naturalized. This is in accord with a desire expressed by the Minister for Foreign Affairs to find some line of demarcation by which, according to his view, cases of American-born citizens whom Italy can release without change of her fundamental law may be segregated from cases in which release would require such change, which I understand him to consider impossible.

In this connection I have the honor to report that I have just received from the Foreign Office a despatch, of which I enclose a translation, relative to the cases of Francesco Ghiloni and Leroy Barsotti, both of whom it appears were born before their fathers became naturalized Amercian citizens.

In the case of Leroy Barotti, the Ministry for Foreign Affairs replied by note verbale of July 19, forwarding the decision of the Royal Ministry of War relative to this Embassy's application for Barsotti's release, a copy of which is hereto attached.

In the case of Francesco Ghiloni, the Foreign Officer has repeated the decision of the Royal Ministry for War, maintaining its position that even if he had during his minority lost his Italian citizenship in consequence of the naturalization obtained in the United States by his father, that fact would not have exempted him from military service in Italy under Art. 12 of the Civil Code. A copy of the translation of the said note verbale of date May 16, 1915, is herewith enclosed.

I have [etc.]

THOMAS NELSON PAGE.

[Inclosure 1—Translation.]

The Minister for Foreign Affairs to Ambassador Page.

NOTE VERBALE.

In reply to the American Embassy's note of April 28, The Royal Ministry for Foreign Affairs regrets very much to be obliged to make known to that Embassy that according to a decision just received from the Royal Ministry of War Francesco Ghiloni belonging to the Class of 1885 cannot be considered as exempt from his military obligations in Italy.

In fact, even if he had during his minority lost his Italian citizenship in consequence of the naturalization obtained in the United States by his father, that fact would not have exempted him from military service in Italy, as is explicitly pointed out in Art. 12 of the Civil Code, which was still in force when he was called to the colors with the class to which he belongs by reason of his age.

This being the state of the case, the Royal Ministry of War has instructed the Prefect of Lucca to summon Ghiloni before him for personal examination, and for his enlistment before the Council of Recruiting of that Military District.

MINISTRY FOR FOREIGN AFFAIRS,
Rome, May 16, 1915.

[Inclosure 2—Translation.]

The Minister for Foreign Affairs to Ambassador Page.

NOTE VERBALE.

In response to the esteemed note verbale of the American Embassy of May 28, concerning Leroy Barsotti, the Royal Ministry for Foreign Affairs has the honor to communicate to that Embassy the following almost textual translation of the decision rendered by the Royal Ministry of War relative to the American Embassy's application for his release from military service:

The soldier Leroy Barsotti was included in the general mobilization of the Kingdom and obeyed the call to arms of the Class of 1894 to which he belonged without making any objections upon the ground that he was a foreigner.

Consequently, while not denying that this young man during his minority had lost his Italian citizenship because of the naturalization of his father in 1903, it is held that he has now reacquired that Italian citizenship according to the terms of Art. 3, para. 1 of the Citizenship Laws of the Kingdom now in force, and is therefore held to be definitely enlisted in the military service of the Kingdom.

The Ministry of War regrets therefore very much that it is not able to consent to the liberation of the said Leroy Barsotti.

MINISTRY FOR FOREIGN AFFAIRS,
Rome, July 19, 1915.

[Inclosure 3—Translation.]

The Minister for Foreign Affairs to Ambassador Page.

MINISTRY FOR FOREIGN AFFAIRS,
Rome, August 27, 1915.

MR. AMBASSADOR: Referring to my note of the 23d instant[12] concerning the case of Da Prato, I have the honor to inform your excellency relative to Francesco Ghiloni and Leroy Barsotti both of whom were born Italian citizens whose fathers were Italian and who became Americans only in their minority by naturalization of their fathers, the Royal Ministry of War confirms its previous decision and has declared its inability to permit their release.

I must therefore confirm to your excellency the communication already made in my note of May 16 and note of July 19 concerning the above-mentioned youths.

I have [etc.]

S. SONNINO.

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[12] The inclosure with Mr. Page's No. 360 of August 24.

File No. 365.117/173.

Ambassador Page to the Secretary of State.

No. 367.] AMERICAN EMBASSY,
Rome, September 4, 1915.

SIR: Referring to this Embassy's despatch No. 362 of August 27 in regard to the case of Frank L. Ghiloni, an American citizen now serving in the Italian Army, I have the honor to report that the Embassy has received a communication from Mr. Alfred R. Ghiloni at Marlboro, Mass., stating that his brother Frank L. Ghiloni is in poor health and believed to be suffering from gall stones and that it is hoped the Italian military authorities will relieve him from duty on this ground if no other.

I have the honor to enclose herewith a copy of a note verbale which the Embassy sent today to the Royal Ministry for Foreign Affairs upon this subject. It will be noted that the Embassy, while asking for a medical examination with a view to his possible exemption, has not surrendered its claim for Mr. Ghiloni's release on other grounds.

I have [etc.]

For the Ambassador:
PETER A. JAY.

[Inclosure.]

The American Embassy to the Foreign Office.

NOTE VERBALE.

With reference to the note dated August 16 from the Royal Ministry for Foreign Affairs in regard to Frank L. Ghiloni, a native-born American citizen, now enrolled in the Royal Italian Army, the American Embassy has the honor to inform the Royal Ministry for Foreign Affairs that it is in receipt of information that Mr. Ghiloni is in very bad health and believed to be suffering from gall stones.

The American Embassy, while maintaining its request that Mr. Ghiloni be released on the ground that he is a native-born American citizen, suggests that he be subject to a careful medical examination by the military authorities with a view to his exemption from service if found unfit for duty.

AMERICAN EMBASSY,
Rome, September 4, 1915.

File No. 365.117/148.

Ambassador Page to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Rome, September 5, 1915.

389. Ghiloni's release refused by War Office on ground born prior to father's naturalization. See Embassy's despatch No. 362, August 27. Embassy, while maintaining request for his release as native-born citizen, has at suggestion his family requested medical examination with view to exemption if found unfit. See Embassy's despatch 367 of September 4.

PAGE.

File No. 365.117/149.

The Secretary of State to Ambassador Page.

No. 209.] DEPARTMENT OF STATE,
Washington, September 15, 1915.

SIR: The Department has received your despatch No. 360 of August 24, 1915, concerning the release from military service of Mario Ugo Da Prato, who was born in the United States after his father, a native of Italy, had obtained naturalization as a citizen of this country.

The Department was glad to learn of the release of Mr. Da Prato. In view of present conditions, the Department does not consider that the Embassy would be warranted in asking the Italian Government to allow him to remain in Italy.

I am [etc.]

ROBERT LANSING.

File No. 365.117/170.

The Acting Secretary of State of Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 28, 1915.

332. Your despatch August 20. Ask early decision Ajello case, calling attention Ajello served as juryman on several occasions New York courts, fulfilling his duties as American citizen.

POLK.

File No. 365.117/175.

Ambassador Page to the Secretary of State.

[Telegrams.]

AMERICAN EMBASSY,
Rome, September 29, 1915.

398. Department's 332, September 28. War Office now asks for family history Ajello, which Embassy obtaining from him at Naples. In presenting information desired, will make another urgent appeal for his release.

AMERICAN EMBASSY.

File No. 365.117/183.

AMERICAN EMBASSY,
Rome, October 11, 1915.

408. Department's 286, July 20. Foreign Office asks exact date naturalization Mazza's father.

AMERICAN EMBASSY.

File No. 367.65/31.

Ambassador Page to the Secretary of State.

[Extract.]

AMERICAN EMBASSY,
Rome, October 11, 1915.

SIR: I have the honor of transmitting to you herewith a translation of a Foreign Office note containing the decision of the military

authorities of the Kingdom relative to the prohibition of emigration from Italy of Italian subjects having military obligations towards the Government.

I have [etc.]

THOS. NELSON PAGE.

[Inclosure—Translation.]

The Foreign Office to the American Embassy.

In response to the American Embassy's esteemed note verbale No. 750 of September 13, the Royal Ministry for Foreign Affairs has the honor to communicate to that Embassy the following information furnished by the Royal Ministry of War relative to the prohibition of emigration of Italian subjects:

By Royal decree No. 803 of August 6, 1914, the emigration abroad of all Italian subjects having military obligations, that is, from 18 to 39 years of age, was prohibited.

In pursuance of the terms of this absolute prohibition, however, there were allowed a few exceptions in cases of proven necessity, especially for those Italians whose military obligations were comparatively slight, such as those belonging to the third category and to the territorial militia.

However, in consequence of the Royal decree of mobilization, the said prohibition was again placed in full force and effect, absolutely without exception, by which no one having military obligations was allowed to leave the country for private reasons, even though he may belong to classes and categories not yet summoned to join the army.

MINISTRY FOR FOREIGN AFFAIRS,
Rome, October 8, 1915.

File No. 365.117/183.

The Secretary of State to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 14, 1915.

351. Your 408, October 11. Mazza's father not naturalized. Declared intention October 31, 1896.

LANSING.

File No. 365.117/238.

Ambassador Page to the Secretary of State.

No. 396.] AMERICAN EMBASSY,
Rome, October 25, 1915.

SIR: With reference to my telegram No. 389 of September 5, I have the honor to enclose, herewith, copy of a note verbale received from the Royal Italian Ministry for Foreign Affairs, dated October 2, 1915.

I have [etc.]

THOMAS NELSON PAGE.

[Inclosure—Translation.]

The Foreign Office to the American Embassy.

NOTE VERBALE.

In response to the American Embassy's esteemed note verbale of September 4 last, the Royal Ministry for Foreign Affairs regrets very much to be compelled to inform the Embassy that the Ministry of War has decided that Francesco L.

Ghiloni cannot be exempted from military service in Italy, for the reason that he was born an Italian and only afterwards took up his abode and citizenship in another country.

In so far as concerns the condition of his health, he must present himself before the proper medical officers of his regiment and request a medical examination which will, of course, be given him, after which he will be accorded the same treatment as his fellow-soldiers and in accordance with the rules and regulations now in force in the Italian Army.

MINISTRY FOR FOREIGN AFFAIRS,
Rome, October 2, 1915.

File No. 711.654/12.

The Chief of the Bureau of Citizenship to the Secretary of State.

ROME, *November 18, 1915.*

DEAR MR. SECRETARY: I reached Rome last Thursday evening, having visited the Consulates at Marseilles, Nice and Genoa on my way from Paris.

The passport work here appears to be well organized, and there are not so many citizenship cases presented as there are at London and Paris. Probably the most difficult cases arising from the war have already been settled, that is, as far as they can be settled. So long as we continue to have no naturalization treaty with Italy, it appears to be impossible to obtain from the Italian Government a solution satisfactory to our Government of the cases involving military service in Italy on the part of Italians naturalized in the United States. I understand that in a few cases such persons have succeeded in leaving Italy and returned to the United States; but that the Italian Government conceded nothing in principle, and, as a matter of fact, usually compels naturalized Americans of Italian origin, who are found in Italy, to perform the military service for which they are liable under Italian law.

I understand from the Ambassador, moreover, that the Italian authorities have expressed an unwillingness to consider negotiations for a naturalization treaty at this time, for the reason that they are too much occupied by the war.

As to persons born in the United States of Italian parents, the Italian authorities have released those born after the naturalization of their parents as American citizens, as in the Da Prato case; but refuse to release those born before the naturalization of their parents, as in the Ghiloni case, whether or not the persons concerned are domiciled in the United States or appear to have made a practical election of American citizenship.

The Italian Government insists upon enforcing strictly the Italian law governing nationality and military service. This law is peculiar and, from our point of view, inconsistent; for, while it grants that Italians naturalized abroad lose their Italian nationality, it nevertheless holds them liable for the performance of military service in Italy, if such service had not already been performed before emigration.

The Italian law differs in this respect from the French law, which does not recognize a change of nationality at all until the necessary military service has been performed or a special permission to cast off French nationality has been obtained.

In view of the very large emigration from Italy to the United States it appears to be important to obtain a naturalization treaty if possible. Perhaps, if the Italian Government becomes convinced that our expatriation law is being enforced and that our Government has no desire or intention to protect naturalized Italians who return to Italy to live, of whom there are many, a satisfactory treaty may finally be obtained.

Very respectfully yours,

R. W. FLOURNOY, JR.

File No. 365.117/231.

Ambassador Page to the Secretary of State.

No. 412.] AMERICAN EMBASSY,
Rome, November 19, 1915.

SIR: Immediately upon the receipt of the Department's telegram [5] No. 327 of September 23 instructing me to obtain if possible the release from military service in the Italian army into which he had been impressed of Benni Guerrini, I presented the facts in his case to the Foreign office and requested the good offices of that Ministry with a view to obtain his release.

I am today in receipt of the decision of the military authorities, a copy of which is herewith transmitted.

The decision sets forth that if Guerrini had protested against his enlistment such a protest would have received favorable consideration. The military authorities claim, however, that he voluntarily sought enlistment and point out that there is a specific Italian law to the effect that voluntary enlistment cancels foreign citizenship. It is therefore held that Guerrini must remain in the Italian army until the end of the present war.

I have [etc.]

THOMAS NELSON PAGE.

[Inclosure—Translation.]

In response to the American Embassy's note verbale No. 765 of September 25, last, the Royal Ministry for Foreign Affairs has the honor to make known to that Embassy that the Ministry of War, having given full consideration to the demand made by that Embassy for the release from military service of Benni Guerrini, regrets very much that it is not able to accede to such request.

The Royal Ministry of War points out, as a matter of fact, that Guerrini, having been born after the naturalization of his father, would have had the right, of his own accord, to have his name canceled from the military recruiting lists of the Kingdom; but that he did not elect to avail himself of such legal right.

On the contrary, at the time his class was called to the colors, far from desiring to be considered as a foreigner, he voluntarily requested and obtained, upon the presentation by him of the necessary documents, the privilege of being assigned to the second category, in which class he has been actually serving since February 7, 1915.

Upon the application to this case, therefore, of the provisions of Article 3, No. 1 of the existing Citizenship Law of June 13, 1912, No. 555, it results that this young man has re-acquired full Italian citizenship in consequence of his voluntary enlistment and must therefore remain unquestionably and fully amenable to the military requirements of Italy.

ROYAL MINISTRY FOR FOREIGN AFFAIRS:
Rome, November 16, 1915.

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[5] Not printed

File No. 365.117/224.

The Secretary of State to Ambassador Page.

No. 253.] DEPARTMENT OF STATE,
Washington, December 7, 1915.

SIR: With reference to the Department's telegram No. 351, of October 14, 1915, concerning the detention of Giacomo Carmine Mazza for military service, the Department desires that you report concerning the present status of this matter as soon as the Italian authorities have made a final decision in regard thereto. The father of this person is very anxious to learn whether his son will be released and permitted to return to this country.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

File No. 365.117/175.

The Secretary of State to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 16, 1915.

415. Your 398, September 29. Press release Enrico Ajello. Urgent.

LANSING.

File No. 365.117/243.

Ambassador Page to the Secretary of State.

No. 441.] AMERICAN EMBASSY,
Rome, December 20, 1915.

SIR: I have the honor to report that your telegram No. 415 of the 16th instant relating to the case of Enrico Ajello, held in Italy for military service arrived in the afternoon of the 17th, and I immediately sent an earnest note to the Foreign Office, pressing the case on the attention of the Italian Government, and asking for a response at as early a moment as possible. I endeavored to make an appointment to see the Minister of Foreign Affairs yesterday and called personally at that Ministry with regard to the matter; but as neither the Minister nor the Under Secretaries were able to receive me at that time, I called this morning again and had an interview with the Under Secretary (il Capo di Gabinetto), whom I have often found to have practical charge in similar matters.

I impressed upon him, with the utmost earnestness, our contention that this man, born in America, and having lived in America substantially all of his life continuously, could not be regarded as coming within the category of those liable to what may be termed the duties of dual citizenship; but was only an American citizen, although his father, who had lived in America since before his birth, had taken out naturalization papers only after his birth.

I pointed out to him the difficulties that might arise and appeared on the point of arising, should the retention of a man thus situated be insisted upon. In fact, I employed every argument which seemed to me possible, and, as you may imagine, my earnestness was not lessened, from the fact that I had from time to time, had to help Ajello with modest personal donations to relieve his necessities.

It is a fact, however, as you will readily recall, that hitherto, no one born prior to his father's naturalization has been formally released by the Italian Government from the call to military service, although in certain instances men thus situated have been allowed to return to America without such formal release.

In pressing this case, I took occasion again to present what appeared to me the necessity for a naturalization treaty between our two Governments, and in arguing how easy it was for the people of one country or another to become excited over the apparent injustice of unrecognized authority on the part of another power, over their fellow-citizens, I was able to present forcibly the danger of serious friction arising between our two countries over just such cases as this.

How far this will affect the desired result in Ajello's case I can not say, for I have gone over the same subject before with the Minister for Foreign Affairs himself; but I am ready to take as firm a stand in regard to these American born citizens as I may be authorized to take.

It appears to me, indeed, that the justice in these cases is entirely on our side and that it is archaic to claim, in this age of the world, that the rights of a government follow its emigrants to the second generation.

I shall continue to do all I can in this and similar cases, and stand ready to carry out your instructions as to these cases as firmly as you may feel the situation shall demand.

I have [etc.]

THOMAS NELSON PAGE.

JAPAN.

CORONATION OF EMPEROR YOSHIHITO.

File No. 894.001Y8/9.

Chargé Wheeler to the Secretary of State.

AMERICAN EMBASSY,
Tokyo, April 21, 1915.

SIR: I have the honor to report that, the period of mourning for the late Empress Dowager having ended, the date of the coronation of the Emperor has been officially announced, the ceremonies to take place at Kyoto on November 15 next.

I have [etc.]

POST WHEELER.

File No. 894.—001Y8/25.

The President to the Emperor.

[Telegram.]

THE WHITE HOUSE,
Washington, November 10, 1915.

On this auspicious occasion of Your Majesty's formal accession to the Throne, I take sincere pleasure in extending cordial felicitations and in expressing the confidence that the influence of your high ideals of right and justice which will continue to guide you in your exalted office will inure to the advancement of your country. I assure Your Majesty of my best wishes for your personal welfare and that of Your Majesty's family and for the continuance of the friendly relations existing between Japan and the United States.

WOODROW WILSON.

File No. 894.001Y8/27.

The Emperor to the President.

[Telegram.]

KYOTO, JAPAN,
[*Received November 12, 1915.*]

I sincerely thank you for the kind congratulations on the ceremonies of my accession to the Throne. At the same time I reciprocate my best wishes for your personal welfare and for the invariability of the friendship which united by the bond of amicable relation subsisting between our two countries.

YOSHIHITO.

File No. 894.001Y8/28.

Ambassador Guthrie to the Secretary of State.

[Extract.]

No. 386.] AMERICAN EMBASSY,
Tokyo, November 26, 1915.

SIR: I have the honor to report that the formal accession to the Throne of His Majesty the Emperor of Japan duly took place as prescribed in the series of events scheduled in the "Imperial Ordinance Relative to the Accession to the Throne of His Imperial Majesty" which I have already had the honor of forwarding to the Department. The chief ceremonies took place upon November 10, the days following being filled with ceremonies of lesser importance. The representation of the United States was augmented by the presence of the Commander-in-Chief of the Asiatic Fleet of the United States and his suite.

On November 11 the vernacular newspapers all printed a despatch, in the vein of the following extract taken from the Nichi Nichi Shimbun of that date:

According to the telegram from Washington, President Wilson sent a congratulatory telegram to the Emperor of Japan, on the occasion of his Coronation, sending his heartfelt congratulations on that auspicious occasion, and at the same time sincerely hoping for the welfare of His Majesty the Emperor and of the Royal Family, and for the continuation of the friendly relations between Japan and the United States.

The latter days of the festivities were saddened by the very sudden death of his excellency Señor Francisco J. Herbóso, the Minister of Chile, on November 17, at the Kyoto Hotel, where the American Representation was entertained by the Government together with the representatives of most of the Diplomatic Corps. His funeral, at which representatives of Their Majesties the Emperor and the Empress were present, took place on November 25.

I have [etc.]

GEO. W. GUTHRIE.

File No. 894.001Y8/28a.

The Secretary of State to Ambassador Guthrie.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, December 11, 1915.

You are instructed to express to the Japanese Government thanks of the American people for courtesies extended to American diplomatic and naval representation during ceremonies and festivities in honor of the formal accession of the Emperor.

LANSING.

File No. 894.001Y8/28b.

DEPARTMENT OF STATE,
Washington, December 15, 1915.

Express to Japanese Government thanks for cordial treatment accorded to officers and men of Asiatic fleet during recent visit.

LANSING.

File No. 894.001Y8/30.

Ambassador Guthrie to the Secretary of State.

[Extract.]

AMERICAN EMBASSY,
Tokyo, December 20, 1915.

SIR: I have the honor to inform you that upon the occasion of the recent visit of the Commander-in-Chief of the American Asiatic Fleet and his suite on board the flagship *Saratoga* to Japan during the festivities in honor of the accession to the Throne of His Majesty the Emperor, the entire American Naval Representation was accorded marked courtesy, and their presence was manifestly a matter of great pleasure to the Japanese Government. Moreover the American Government was the only government which was honored by having a naval representation invited to take part in the accession festivities.

I took advantage of the occasion of a recent visit to the Foreign Office to thank Baron Ishii for the courtesies extended to Admiral Winterhalter and to the fleet during the stay of the flagship *Saratoga* in Japanese waters. He said he was himself greatly pleased by the visit and was satisfied that the presence of the vessel at this time had produced an excellent impression. Both his remarks and his manner in uttering them were exceedingly cordial in his expression of pleasure over the event. He himself referred specifically to the fact that ours was the only foreign navy represented in the review and in the accession ceremonies of which it was a part.

Upon the occasion of a recent entertainment at the Imperial Palace the Emperor made apparent his pleasure at the presence of Admiral and Mrs. Winterhalter among the guests by greeting them and personally expressing his gratification. The courtesy shown, however, was not restricted to the Admiral and the officers in his suite, but was extended to the sailors themselves by the authorities at Yokohama, in such ways as obtaining for them free admission to the local theaters, by providing free transportation in trolleys and by numerous similar acts of hospitality.

I have [etc.]

GEO. W. GUTHRIE.

RELATIONS BETWEEN CHINA AND JAPAN: TWENTY-ONE DEMANDS ON CHINA BY JAPAN. ATTITUDE OF THE UNITED STATES.

(*See* China.)

EXTRADITION OF JOHN EILLS FOR PERJURY REFUSED BY JAPAN.

File No. 294.11Ei5/1.

The Secretary of State to Ambassador Guthrie.

DEPARTMENT OF STATE,
Washington, September 24, 1913.

SIR: I have to inform you that the President has issued his warrant authorizing Frederick F. Flynn and Judd Dewey to take

into custody John Eills, a fugitive from the justice of the United States, charged with the crime of perjury, and supposed to have taken refuge in Japan.

A duly authenticated set of papers is herewith enclosed.

You will, in pursuance of existing treaty stipulations between the United States and Japan, make formal application to the Japanese Government for the surrender of the fugitive to the agents appointed to receive him, in order that he may be brought back to the United States for trial in the State of Massachusetts.

Article V of the Treaty between the United States and Japan requires that the certificate of the Department of State attached to the papers be authenticated by you and that the papers accompany the application.

I am [etc.]

For the Secretary of State:
ALVEY A. ADEE.

File No. 294.11E15/1.

The Secretary of State to Ambassador Guthrie.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, September 25, 1913.

Request arrest and provisional detention of John Eills, charged with perjury in Massachusetts, where a warrant has been issued for his arrest. The Governor of Massachusetts has been informed that Eills is at Tokio. It is feared that accused may do violence to himself or his daughter, who is with him. Endeavor to have this prevented. Formal papers have already gone forward, and officers will proceed at once to Japan on learning of arrest.

BRYAN.

File No. 294.11E15/6.

Ambassador Guthrie to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Tokio, October 15, 1913.

Eills arrested. He agrees to place daughter with temporary guardian for her safety and will not resist his extradition if I consent to his release on bail pending arrival of papers. He has influential friends and responsible position here; could easily have escaped if he desired.

GUTHRIE.

File No. 294.11E15/7.

The Acting Secretary of State to Ambassador Guthrie.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 17, 1913.

Your telegram of October 15. Formal extradition papers, which have been passed upon by this Department and found to be in proper

form, have been forwarded to you. You will see that every precaution is taken to prevent injury to child by Eills, and you are not authorized to consent to his release on bail.

MOORE.

File No. 294.11Ei5/31.

Ambassador Guthrie to the Secretary of State.

No. 22.] AMERICAN EMBASSY,
Tokyo, November 24, 1913.

SIR: The Department's telegram of September 25, instructing me to request the provisional arrest and detention of John Eills on a charge of perjury, pending arrival of the extradition papers, and instructing me to take special precautions for the protection of the defendant's infant daughter in the meantime, was duly received, and a formal application in accordance therewith was immediately made to the Minister for Foreign Affairs.

On October 11, I received a letter from the Foreign Office advising me that the defendant has been located on information furnished by this Embassy, and would be arrested on the morning of that day, and requesting me to take proper steps for the protection of the child, as there would be no one to care for her but a Japanese maid, who it was feared might desert her through fright on learning of the arrest.

Presuming that the arrest had been effected in accordance with the above-mentioned advice from the Foreign Office, in the afternoon I sent Mr. Caldwell of the Embassy, accompanied by his wife, to Eills' home, and took the child under my own care. It turned out, however, that the defendant had not been arrested; and when he learned of my action, he called for his child, took her away, and, in pursuance of a promise made to me, placed her in the household of Baron Kanda, a gentleman of high character, who undertook to care for her, agreeing to keep her until extradition has been disposed of. This arrangement was faithfully carried out.

The defendant was finally arrested on the 13th of October, and kept in prison until November 7, when he was discharged on the order of the Minister of Justice.

The defendant was very anxious to be released on bail pending the receipt of the extradition papers, and as the Department of Justice refused to grant bail without my consent, he both personally and through his attorney and friends made a proposition to secure such consent, which was cabled to the Department under date of October 15. This proposition was that, if consent was given to the release of the defendant on bail, he would agree not to resist extradition, and would place his daughter with such temporary guardian as I might select. On the receipt of the Department's telegram of October 17, stating that the extradition papers had been found to be in proper form, and instructing me not to consent to bail, the negotiations were broken off.

On receipt of the extradition papers, they were promptly delivered to the Minister for Foreign Affairs for transmission to the Department of Justice.

On the 7th instant the request for extradition was refused and the defendant discharged, of which action I was duly informed by a

note from the Minister for Foreign Affairs, dated November 8, a copy of which is herewith enclosed.

So far as I can learn, the consensus of professional opinion here is that the affidavits on which the warrant of arrest was issued do not charge any acts on which a person could be held for perjury in Japan.

This opinion seems to be based on two grounds: First, that in Japan a proceeding for the confinement of an alleged insane person is administrative, not judicial, and therefore an affidavit made in such a proceeding is extra-judicial and not covered by the law defining the crime of perjury; secondly, that in Japan a party in interest is not entitled to be sworn as a witness, and even if erroneously so sworn, a false statement made by him will not constitute perjury under the law.

The representative of the Commonwealth of Massachusetts, after taking local advice, did not request me to file a protest against the decision with the Department for Foreign Affairs and accordingly I have not done so.

As there is no definition of perjury in the treaty and we could not therefore demand extradition, unless the acts charged would under the laws of Japan constitute that crime if committed in Japan, it seemed to me that the only possible ground would be a denial of the interpretation of their own laws by the Department of Justice. Accordingly, I thought it proper to await further instructions after a full report.

While as already stated I have not filed a formal protest, I have had two protracted interviews with Mr. Denison, Legal Adviser to the Foreign Office, in which the questions involved were fully discussed. Mr. Denison was positive in his approval of the position taken by the Department of Justice, saying that there was not the slightest doubt that the facts charged in the affidavits on which the warrant was issued would not constitute perjury under the laws of Japan.

Messrs. Dewey and Flynn, concluding that extradition could not be secured on the evidence contained in the present extradition papers, have left for the United States.

With a view to the possibility of securing the surrender of the defendant's daughter, by bringing an action in the Japanese courts, Mr. Dewey has entrusted Mr. N. W. McIvor, an American lawyer in Yokohama, and Mr. Akiyama, a Japanese barrister-at-law of prominence, to investigate the law on the subject.

I have [etc.]

GEO. W. GUTHRIE.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Ambassador Guthrie.

No. 98.] DEPARTMENT OF FOREIGN AFFAIRS,
Tokyo, November 8, 1913.

MONSIEUR L'AMBASSADEUR: In reference to the request made by your excellency's Government for the extradition of John Eills, the fugitive from the justice of the United States, I had the honor to reply by my note dated the 28th ultimo that said Eills having been arrested, proper steps are being taken in the matter by the competent authorities of the Empire. As the result of

their inquiry into the matter, the identity of the fugitive in question has been established and it has been made clear to their satisfaction that the copies of the depositions are duly authenticated, that a warrant had been issued when the request for his provisional arrest was made and that the request for the extradition was made through the proper diplomatic agent. In their opinion, however, the act committed by Eills does not constitute perjury under the laws of the Empire; in other words, under the laws of the Empire the present case cannot be deemed to afford sufficient criminal evidence to justify his examination; and accordingly, in view of the stipulation of Art. V., Clause 3 of the Extradition Treaty between Japan and the United States, the Imperial Government are not in a position to surrender Eills. Under these circumstances the Imperial Government regret that they are unable to comply with the request for the extradition of John Eills.

I avail [etc.]

BARON N. MAKINO.

File No. 294.11Ei5/35.

The Attorney General of Massachusetts to the Secretary of State.

OFFICE OF THE ATTORNEY GENERAL,
Boston, November 24, 1914.

SIR: The following is a statement of the facts in the Eills case, which I understand you wish to use in dealing with the representatives of His Imperial Majesty the Mikado of Japan.

Harriet and John Eills were married in 1904. In 1907 their only child, Olga, was born. Mr. Eills was engaged from time to time in various professions in various different localities.

In the fall of 1911 they settled in Chicopee, Hampden County, Massachusetts. For some time their married life had been unhappy.

Early in February, 1912, Mr. Eills, a woman doctor friend of his from Boston, and a Chicopee doctor, executed the necessary affidavits to have Mrs. Eills committed by the judge of the Chicopee police court to the insane hospital at Northampton. The hospital authorities, after a careful examination for about two weeks, found that she was not insane and had never been insane, and accordingly discharged her. The Chicopee doctor, a reputable physician, has since stated that he relied entirely upon the woman doctor and executed the papers as a matter of professional courtesy. The judge who committed her later signed the warrant for the arrest of Eills for perjury in connection with the commitment affidavit.

As soon as Mrs. Eills was released she petitioned the Probate Court of Hampden County (case 34221) for custody of Olga. This petition was allowed by the Probate Court April 2, 1912. Mr. Eills at once appealed to the Superior Court (case 3061). On February 21, 1913, the Superior Court affirmed the order of the Probate Court, except that the days on which Mr. Ellis was permitted to have the child were specified.

At both trials there were introduced writings of Mr. Eills in favor of "free love," and other writings of his, tending to show that for some time he had planned the false imprisonment of his wife, so as to be free to devote his time to other women. Copies of the two decrees and a memorandum of the judge of the Superior Court are enclosed.

The day following the decree of the Superior Court was one of the days when Mr. Eills was to be permitted to have the child. He took her, left the Commonwealth in violation of the decree, and went directly to Japan, where he has remained ever since.

The mother left no stone unturned to find her child, and finally in September, 1913, after the police had given up hope, located Mr. Eills in Tokyo.

The District Attorney of Hampden County at once requested extradition on the perjury charge. A copy of the requisition is doubtlessly in your files. The Imperial Government of Japan refused to surrender Mr. Eills, for the reason that a false oath by the petitioner in a legal proceeding is not perjury in Japan; which ruling the Commonwealth did not feel inclined to contest.

The Eills case has had wide publicity and presents a particularly flagrant example of defiance of our courts. His apparent immunity, it is feared, will lead others to disrespect Massachusetts decrees. In accordance with my statutory duty to enforce the orders of our courts, in cases of great public concern, I have appealed to you to secure, if possible, through diplomatic channels, the enforcement of this decree.

Very truly yours,

THOS. J. BOYNTON.

File No. 294.11Ei5/36.

OFFICE OF THE ATTORNEY GENERAL,
Boston, December 23, 1914.

MY DEAR MR. BRYAN: Will you kindly let me know the present status of the negotiations with Japan for the enforcement of the decrees of the Probate Court of Hampden County and the Superior Court of the Commonwealth giving the custody of Olga N. Eills to her mother. You will remember that this is the matter on which I sent Mr. Dewey to you recently, and on which I have still more recently transmitted to you a statement of the facts.

I am writing with no intention to hurry you, but merely to bring the records up to date for turning over to my successor.

Very truly yours,

THOS. J. BOYNTON.

File No. 294.11Ei5/36.

The Secretary of State to the Attorney General of Massachusetts.

DEPARTMENT OF STATE,
Washington, February 1, 1915.

SIR: The Department acknowledges the receipt of your letters of November 24 and December 23, 1914, in regard to possible action by this Department looking towards the return to this country from Japan of the minor daughter of Harriet and John Eills.

After careful consideration of the matter the Department has reached the conclusion that it is without authority to take action at the present time.

As Mr. R. S. Hoar of counsel for Mrs. Eills was informed by telegrams of October 20 and 27, 1913, it appears that the question of the custody of the Eills child is for the determination of the courts and it would seem necessary for Mrs. Eills to employ an attorney in Japan in the event that she desires to bring the matter before the courts.

As the Department added in its said telegram of October 27, 1913, it "can not assume in advance that the question will not be justly decided by the Japanese courts. In the event of an unfavorable decision in the lower courts, before there would be any grounds for diplomatic intervention it would be necessary to show that the case had been carried to the Japanese court of last resort and that a denial of justice had resulted."

So far as the Department is informed, Mrs. Eills has instituted no such legal proceedings in the Japanese courts.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 294.11Ei5/45.

Ambassador Guthrie to the Secretary of State.

No. 373.] AMERICAN EMBASSY,
Tokyo, October 22, 1915.

SIR: Referring to the previous correspondence in relation to the extradition case against Mr. John Eills, formerly of Massachusetts but now living in Japan, on a charge of perjury brought by his wife, Mrs. Harriet A. Eills, I have the honor to report that in an action subsequently instituted in the Tokyo District Court by Mrs. Eills against Mr. Eills for the custody of their daughter, the court on the 20th instant gave judgment in her favor.

There is enclosed herewith a clipping from the Japan Advertiser containing a report of the trial and explaining the reasons which guided the court in its decision.

It would appear that the court refused to pass on the question of the relative fitness of the parents, basing its action on the order made by the Massachusetts court, when all parties were before it, awarding the custody of the child to Mrs. Eills, and establishing a personal status by the judicial action of a court having jurisdiction, which status the Japanese court was bound to respect.

The defendant has appealed against the judgment of the lower court, and the case is now before the Court of Appeals.

I have [etc.]

GEO. W. GUTHRIE.

[Inclosure—Extract.]

The Japanese court reached its decision without going into the question of the respective fitness of the parents to act as the little girl's guardian. The judges refused to consider this point of the case. They held that the decision of the courts of Massachusetts, from which Mrs. Eills has two decrees giving her the custody of her daughter, had created a legal status that ought to be recognized in Japan, just as the status of marriage performed abroad is recognized here. The decision was based largely on considerations of public policy, it being the attitude of the court that a judgment against Mrs. Eills would affect the validity of the law of Japan in similar cases in the United States.

93072°—FR 1915——38

DISCRIMINATION IN FREIGHT RATES AFFECTING EQUALITY OF COMMERCIAL OPPORTUNITY IN CHINA. PROTEST OF THE UNITED STATES.

File No. 893.773/7.

Vice Consul Hanson to the Secretary of State.

[Extract.]

No. 25.] AMERICAN CONSULATE,
Dalny, June 17, 1914.

SIR: I have the honor to report that this office has been informed by the South Manchuria Railway Company that the authorities in Tokyo have decided that the reduced rates on the Mukden-Antung section of the railway will be extended to specific through imports into Manchuria via Dalny and Newchwang from Japan only and that the same rates will not be applied to through imports from Shanghai. The reduction is to take place on and after July 1, 1914.

With reference to local rates on goods despatched from the three sea ports, Dalny, Newchwang and Antung, a reduction of 15 per cent is to be made.

The first decision is a serious one for importers of American piece goods, as most of this class of imports enters Manchuria through Newchwang from Shanghai. Therefore, piece goods from Japan proper (practically all of Japanese manufacture) entering Manchuria via any of the three South Manchurian ports will have a decided advantage in freight rates over their American rivals, which cannot be classed as through goods from Japan unless they are shipped via Japan.

While no one can attribute unfair play to the Japanese for fixing freight rates in Japan proper, Korea or even in the Leased Territory, to suit the best interests of their nationals, it appears that the application of reduced rates on through goods from Japan only is a discrimination in favor of Japanese interests. This resolves itself, then, into an effort to add another advantage to the already natural advantages the Japanese cotton goods manufacturer has in the matters of cheapness of labor in the manufacture of piece goods, of cheapness in bringing his wares to the Chinese market (due to proximity), of cheapness in disposing of the stock in Manchuria (due to the elimination of the "middle man" and the presence of Japanese dealers on the ground), and of superior financing facilities offered by the Japanese banking institutions to Japanese merchants. These are advantages due to nature and to Japanese initiative in matters of finance and trade, and credit is due the Japanese in that they have made use of them. But the new advantage is not a natural one nor is it one that could be called fair in a territory where legitimate competition, as viewed by western standards, is supposed to exist. All legitimate competition in Manchuria would benefit the Chinese consumer and, as the policy of the "open door in Manchuria," if it means anything, surely means that trade in Manchuria should be subject to legitimate competition so that the Chinese consumer as well as the foreign merchant would benefit thereby.

So far as Dalny is concerned, trade in American cotton goods through this port is nil, and, consequently, at present the new reduced

rates as applied at this port are only of interest as a matter of principle. Trade through Newchwang, however, is vitally affected and foreign objections to the new scheme of applying rates will undoubtedly be heard in that quarter.

I have [etc.]

G. C. HANSON.

File No. 893.773/9.

Minister Reinsch to the Secretary of State.

No. 284.] AMERICAN LEGATION,
Peking, June 27, 1914.

SIR: I have the honor to request the particular attention of the Department to the despatch No. 25 of June 17, in which the Vice Consul in charge at Dalny reported to you concerning the reduced rates on the South Manchuria Railway Company's branch lines in favor of through imports into Manchuria, via Dalny and Newchwang, from Japan only.

Although apparently not in violation of the literal wording of the undertaking concerning equality of commercial opportunity given by the Japanese Government at the instance of Secretary Hay in 1899 (Rockhill's Treaties, pp. 194–6), such an arrangement would seem to be clearly contrary to the spirit of that undertaking and of the many similar assurances since given by Japan. I therefore beg to be instructed what attitude the Department takes toward the proposed arrangement in respect to freight rates, and what (if any) action in the matter it desires should be taken by this Legation.

I have [etc.]

PAUL S. REINSCH.

File No. 893.773/12.

Consul Pontius to the Secretary of State.

AMERICAN CONSULATE,
Newchwang, June 30, 1914.

SIR: I have the honor to transmit herewith copy of my No. 5, with enclosures, reporting to the Legation at Peking concerning the reduction in railway freights instituted by the South Manchuria Railway on importations from Japan through the port of Dairen.

I have [etc.]

ALBERT W. PONTIUS.

[Inclosure.]

Consul Pontius to Minister Reinsch.

AMERICAN CONSULATE,
Newchwang, China, June 30, 1914.

SIR: For the information of the Legation, I have the honor to report that the South Manchuria Railway announced in a recent issue of its official gazette published in Dairen, that a reduction would be made on specific through shipments from Japan over its railway to interior points in Manchuria. The new rates are to take effect on the first proximo, and in a recent issue of a Dairen newspaper direct mention is made of the fact that the reduction in railway freights does not apply to Newchwang, the import route via that port being

entirely left out of account. The article also mentioned that the new rates were limited to the Mukden-Antung line and the import route through Dairen. The schedule of the new rates is quoted herewith as table No. 1, and the rates previously existing as table No. 2.

A careful examination of the two tables[1] will show that the reduction applies chiefly to cotton goods, the decrease in freight rates to distributing points such as Mukden, Tiehling and Changchun amounting to about 30%. Cotton goods is one of the chief staple articles of Japanese importation into Manchuria, and this new move on the part of the Japanese concerned appears a clever device to discriminate against shipments of foreign manufactured piece goods into Manchuria from Shanghai, through either the port of Dairen or Newchwang. This fact seems self-evident when it is realized that large quantities of American and European manufactured piece goods are continually imported by Japanese firms from Japan through the ports of Dairen and Antung.

What with the favorable treatment now accorded importations of foreign goods from Japan through the port of Antung in the shape of import tariff reduction of one-third duty, and the present preferential freight rates extended to goods shipped to interior points in Manchuria through Dairen, foreign firms interested in the import trade in Manchuria apparently have every reason to complain at the discrimination it is proposed to exercise against them. The purpose of the South Manchuria Railway is seemingly to hamper and obstruct further importations from Shanghai through Dairen, and confine the commercial possibilities of Newchwang to a still narrower sphere of activity.

In spite of the many efforts in the past to cripple the future trade possibilities of Newchwang by those interested in the diverting of commerce to Dairen, the former port has so far succeeded in holding a fair share of the trade of this region, and the renewed activity of those at present concerned in the additional tactics of discrimination make it imperative that the Liao River conservancy project, which means so much for the future welfare of the port, be instituted without unnecessary delay.

I have [etc.]

ALBERT PONTIUS.

File No. 893.773/10.

Ambassador Guthrie to the Secretary of State.

No. 98.] AMERICAN EMBASSY,
Tokyo, July 4, 1914.

SIR: I have the honor to refer to despatch No. 25, of June 17, 1914, addressed to the Department by Mr. George M. Hanson, Vice Consul in charge at Dalny, a copy of which has just been received by this Embassy, in which he states that from the 1st instant reduced rates will be enforced on the South Manchuria Railway, from Dalny and Newchwang to the interior marts of the three eastern provinces, these rates to be applicable to specified through imports from Japan, but not to similar articles imported from Shanghai.

The commodities entitled to the reduced tariff includes cotton goods, which constitute the chief article of competition between American and Japanese trade in Manchuria. Since the American goods are shipped almost entirely via Shanghai, they will not enjoy the preferential treatment accorded to their Japanese rivals. As Mr. Hanson points out in his despatch above referred to, Japanese piece goods already have several natural advantages over the American ones, the import of which has as a result suffered an extensive decrease since the close of the Russo-Japanese War. The additional benefit to be extended to the Japanese product in the form of lower freightage seems calculated further to handicap the sale of our goods in the Manchurian market.

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[1] Not printed.

The contention that manufacturers in the United States can avail themselves of the lower schedule by making Japan their point of transshipment instead of Shanghai is out of question. While the products of Japan are handled in Manchuria by Japanese merchants, our goods are at present handled by Chinese agents, who transact most of their business through the head hongs in Shanghai, which we must under the circumstances make the centre of distribution for our commodities, until American firms become convinced of the desirability of having their own agents in Manchuria.

The action of the Japanese authorities in the present case would seem to be inconsistent with the principle of equal opportunity, and with their assurances of adherence to this principle.

Knowing that the British Government was interested in the question, I informally inquired of the Ambassador what action he had taken. He informed me that he had addressed a note to the Japanese Foreign Office, stating that while the railway order specifically applied the reduced rates only to direct imports from Japan, he presumed that British goods shipped from Shanghai would enjoy the same benefit.

If the benefit of the reduced schedule is extended to British goods, American imports will of course also become entitled thereto.

I have [etc.]

GEO. W. GUTHRIE.

File No. 893.773/13.

Ambassador Guthrie to the Secretary of State.

No. 104.] AMERICAN EMBASSY,
Tokyo, July 20, 1914.

SIR: Supplementing my despatch No. 98, of the 4th instant, I have the honor to enclose a clipping[1] from the Japan Advertiser of the 16th, purporting to be a statement on the question by the British Consul at Dalny.

The Consul considers the reduced rates to be in contravention of the principle of equal opportunity, but is of the opinion that even if they are extended to through imports from Shanghai, foreign merchants at Dalny would not derive any material benefit, as very few piece goods other than Japanese are shipped through that port, while in the case of Newchang only the merchants of larger capital would profit, leaving the smaller importers at a decided disadvantage. The Consul also apprehends that the further application of the revised rates would decrease the prosperity of Dalny and Newchang, by changing them from ports of transshipment to mere points of transit. He therefore believes that the interest of both foreigner and Japanese would be best served by reenforcing the original rates.

I have [etc.]

GEORGE W. GUTHRIE.

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[1] Not printed.

File No. 893.773/13.

The Acting Secretary of State to Ambassador Guthrie.

No. 57.] DEPARTMENT OF STATE,
Washington, August 18, 1914.

SIR: The Department acknowledges receipt of your Nos. 98 of July 4th and 104 of July 20th relating [etc.]

You will endeavor to ascertain the result of the action taken by His Britannic Majesty's Ambassador reported in your No. 98. If shipments from Shanghai via Dalny and Newchwang are still refused equality of treatment with those of Japan, you are instructed to consult with your British colleague and cooperate with him in any effort made to obtain fair treatment for shipments for Shanghai over the South Manchuria Railway.

I am, [etc.]

ROBERT LANSING.

File No. 893.773/22.

Consul Pontius to the Secretary of State.

No. 35.] AMERICAN CONSULATE,
Newchwang, October 3, 1914.

SIR: For the information of the Department, I have the honor to enclose herewith copy of my No. 28, of even date, reporting to the Legation at Peking concerning new developments which have occurred in connection with the reduction instituted by the South Manchuria Railway covering specific through shipments from Japan over its railways to interior points in Manchuria.

I have [etc.]

ALBERT W. PONTIUS.

[Inclosure.]

Consul Pontius to Chargé MacMurray.

No. 28.] AMERICAN CONSULATE,
Newchwang, October 3, 1914.

SIR: Referring to my No. 21, dated July 21, 1914,[1] reporting concerning the reduction instituted by the South Manchuria Railway covering specific through shipments from Japan over its railways to interior points in Manchuria, I have the honor to transmit herewith information regarding new developments which have occurred in this regard.

The protests of the Japanese merchants in Dairen and Newchwang concerning the discrimination accorded import cargo from Japan other than that shipped via the Korea-Antung railway route, was productive of beneficial result so far as they were concerned. Early in August last it was unofficially announced that the Japanese Government had in mind the introduction of a new scheme to replace the existing reduced rates arrangement before the end of the present year, and that the new system would be found satisfactory by both the Japanese and foreign merchants in South Manchuria. The new system as now instituted seemingly constitutes as much as ever a discrimination against the port of Newchwang and its foreign merchants who are still precluded from enjoying the reduced railway rates on foreign importations from Shanghai by the regular steamship lines.

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[1] Not printed.

In the official gazette of the South Manchuria Railway, issue of the 4th ultimo, a new schedule of rates covering specific through imports from Japan via Newchwang was published. The figures agree in the main with the reduction applied to goods shipped via Antung or Dairen, but as none of the foreign merchants in Newchwang purchase their wares in Japan the reduction in the rates was of no benefit to them. The proposed introduction of a 15% reduction in rates for specific goods from Japan for transportation from Newchwang to interior points was also sanctioned, and it is now announced that the new rates will be effective from the 1st instant.

In the issue of the 30th ultimo of the Manchuria Daily News of Dairen, a semi-official organ fostered by the South Manchuria Railway, the announcement is made that the 30% reduction extended to through shipments of imports via the ports of Antung, Dairen and Newchwang has been made applicable also to through import shipments by the Nippon Yusen Kaisha steamers from Tientsin, Bombay, the United States, Australia and Europe. The Dairen merchants are to benefit also in the additional inclusion of the steamers of the South Manchuria Railway Dairen-Shanghai run in the above category.

The so-called impartial system of reduced rates which the Tokyo Government Railways Board recently intimated would be uniformly extended to the Japanese and foreign merchants in South Manchuria, is now apparently revealed as a discrimination in favor of Japanese shipping. While it is true that the Newchwang foreign merchant may avail himself of the 30% reduction by importing his cotton goods from the United States or Europe in Japanese steamers, still there is little likelihood under existing circumstances of his doing so. Shanghai will always be considered the entrepôt of foreign importations to China, at least so far as the local foreign and most of the Chinese merchants are concerned, and until the existing railway-rate reduction as now instituted includes foreign imports, however or from wherever shipped, the action of the Japanese Government in the present instance must be considered as a distinct departure from the equal opportunity principle so clearly expressed by it as regards Manchuria.

The complaint of the foreign chambers of commerce at Shanghai, Dairen and Newchwang in this connection was originally based on the fear that the preferential rates would be extended solely to goods of Japanese manufacture, and it remains to be seen with what attitude these commercial bodies will view the present system now apparently in force.

I have [etc.]

ALBERT W. PONTIUS.

File No. 893.773/23.

Ambassador Guthrie to the Secretary of State.

AMERICAN EMBASSY,
Tokyo, October 8, 1914.

SIR: Continuing my correspondence with the Department on the subject of the apparent discrimination in the freight rates of the South Manchuria Railway against shipments from Shanghai to Newchwang and Dalny, I have the honor to transmit a copy of a memorandum recently given me, at my request, by the British Ambassador.

I have [etc.]

GEORGE W. GUTHRIE.

[Inclosure.]

Memorandum by the British Ambassador.

On June 22nd, 1914, the South Manchuria Railway Company issued a notification with reference to the freight rates to be levied from July 1st on certain through goods passing from Japan into Manchuria via Dairen.

His Britannic Majesty's Ambassador thereupon addressed a brief note to the Japanese Minister for Foreign Affairs asking for an assurance that, as he

presumed was the case, these rates apply equally to the same goods coming from other foreign countries, e. g. Great Britain or the Colonies.

On July 20 Baron Kato replied that "at present only through goods (either Japanese or foreign) from Japan via Dairen carried by vessels belonging to the Osaka Shosen Kwaisha or the Nippon Yusen Kwaisha are accorded the special reduced rates provided for by the notification in question; but that hereafter, in the case of goods from foreign countries, where application is made for through transport, the place of destination of the goods being given as Mukden or certain specified stations north of Mukden, there will be no objection to such goods being accorded the same treatment, as regards freight over the lines of the South Manchuria Railway, as goods coming from Japan."

On September 9th His Britannic Majesty's Consul at Dairen addressed a despatch to this Embassy enclosing a cutting from the Manchuria Daily News of September 5th showing the freight charges to be levied by the South Manchuria Railway Company on certain specific goods imported into Manchuria via Yingkou (Newchwang) from October. His Majesty's Consul observes that these rates are practically the same as those levied on similar goods entering the country by way of Dairen or Antung.

BRITISH EMBASSY,
Tokyo, September 28, 1914.

File No. 893.773/25.

Consul Williamson to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Dalny, October 9, 1914.

SIR: I have the honor to transmit herewith this office's English translation of railway notice No. 46 [1] which contains what is known as the local reduced rates on goods from the three seaports Dairen, Antung and Newchwang to the interior. The rates from Dairen and Antung to Mukden and Tiehling have always been identical; there is no special rate in this category on goods from Newchwang to these places. In the new special rates made in this order No. 46, these conditions are practically maintained, and the reduction amounts to 15 per cent except that to Tiehling from Dairen and Antung, where it is 17 per cent. Thus the old rate discrimination against Newchwang is continued and the extra distances to Mukden of 137 miles for Dairen and 66.4 miles for Antung are still wiped out by the rates.

This step has been taken by the railway and sanctioned by the national Government on account, chiefly, of the exertions of business men at Dairen who demanded some such arrangement in order to put them on more even terms with those shippers using the Antung route to the interior.

I have [etc.]

A. A. WILLIAMSON.

File No. 893.773/24.

Consul Williamson to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Dalny, October 9, 1914.

SIR: I have the honor to transmit herewith this office's English translation of Railway Notice No. 47 [1] which extends the through

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[1] Not printed.

goods rate system so that through goods from countries other than Japan and Chosen (Korea) may receive equal treatment with through goods from those places.

But through goods, to obtain the special rates, must be shipped on Japanese vessels, and therefore this order No. 47 is a discriminatory one which places the merchant vessels of all countries plying to this port from Formosa, Tientsin, Bombay, America, Australia, European ports and Shanghai at a disadvantage vis-à-vis Japanese ships on the same run.

The action of the company, which is a semi-official organization under the control of the national Government of Japan is, I believe, due to murmurings among foreign merchants in the Far East, and perhaps to the protest of the Dairen Foreign Board of Trade to the former Governor General, Baron Fukushima, and was intended to place foreign goods (non-Japanese) on an equality with Japanese goods.

Its effect, however, is to give Japanese shipping an unfair advantage. It is made in contravention of Article VIII of the Treaty of Commerce and Navigation with Japan of February 21, 1911, whereby "all articles ------ may ------ be imported ------ in vessels of the other contracting party, without being liable to *any other or higher* duties or *charges of whatever denomination* than if such articles were imported in national vessels."

Whereas the advantage given by special rates to the trade with Japan and Korea might be defended as being given to a part of Japan's coasting trade, which is specially exempted by Article XIII of the said treaty, the granting of the special rates to Japanese vessels engaged in distinctively foreign trade destroys the availability of this defense and places the act on a par with an act granting a reduction in customs duties to imports brought to Japan in Japanese bottoms.

I have [etc.]

A. A. Williamson.

File No. 893.773/26.

Consul Williamson to the Secretary of State.

[Extract.]

American Consulate,
Dalny, October 10, 1914.

Sir: I have the honor to transmit herewith this office's translation of Railway Notice No. 39,[1] published in the official railway gazette of September 4, 1914.

This notice alters the regulations governing transshipment charges on through goods from various ports brought by the Nippon Yusen Kaisha's steamers to Dairen for shipment by rail to the interior or vice versa.

It will be seen that since December, 1910, the Nippon Yusen Kaisha has enjoyed special privileges. The other two steamship lines have had the same privileges since January, 1911, for the Osaka

[1] Not printed.

Shosen Kaisha, and December, 1910, for the Company's Shanghai line.

This seems to be the end of these rate changes for the time being, at least, and I believe the Department is now, upon the receipt hereof, fully informed of the facts.

I have [etc.]

A. A. WILLIAMSON.

File No. 893.773/27.

Consul Williamson to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Dalny, October 10, 1914.

SIR: On September 4, 1914, the South Manchuria Railway published in its official gazette Railway Notice No. 40, this office's translation of which is herewith inclosed.[1]

This order gives the reduced rates on through goods via Newchwang (Yingkou). It is identical, as far as it goes, with that providing special rates for this traffic via Dairen; but it is not quite so extensive as the latter, which gives rates to several places not mentioned in the former.

I have [etc.]

A. A. WILLIAMSON.

File No. 893.773/28.

Consul Pontius to the Secretary of State.

No. 39.] AMERICAN CONSULATE,
Newchwang, October 17, 1914.

SIR: For the information of the Department, I have the honor to enclose herewith copy of my No. 31, of even date, reporting further to the Legation at Peking concerning the reduction instituted by the South Manchuria Railway covering railway freights on foreign importations, and transmitting clear evidence of discrimination in this regard.

I have [etc.]

ALBERT W. PONTIUS.

[Inclosure—Extract.]

Consul Pontius to Minister Reinsch.

No. 31.] AMERICAN COUSULATE,
Newchwang, October 17, 1914.

SIR: Referring to my No. 28, dated October 3, 1914, reporting on the apparent discrimination in the freight rates of the South Manchuria Railway against shipments from Shanghai destined for interior points in Manchuria, I have the honor to transmit herewith further information which only too clearly shows that a discrimination does exist not only against Newchwang as regards "local freights" but "through" cargo shipped from the United States or Europe as well. * * * Enclosure No. 1[1] gives the local rates as now in

[1] Not printed.

force from Newchwang to interior points in Manchuria as quoted by the stationmaster of the South Manchuria Railway at this port. The said quotation includes also the discriminating statement regarding shipments of through cargo from either the United States or Europe. Enclosure No. 2,[1] gives a specimen table of authenticated local railway rates in force from October 1, 1914, which clearly proves that shipments of cargo from Newchwang to interior points are discriminated against.

The 15 per cent reduction in the local freight tariff does not apply to cargo shipped from Newchwang to Mukden, and it will be seen from the table of figures on Enclosure No. 2, that the old rate of gold yen 0.3584 per 100 kin still obtains in this regard, while Dairen receives the reduced rate of gold yen 0.40 for a distance of more than double the mileage. It will be noted also that a 15 per cent reduction has not been extended to goods shipped from Newchwang to Tiehling or Kaiyuan, the discount granted being considerably short of that figure. A perusal of Enclosure No. 2 will show that the 15 per cent reduction is granted only to cargo shipped from Newchwang to Changchun; no discount is given to shipments to Mukden, and a much less figure than the announced 15 per cent reduction is extended to goods shipped to Tiehling or Kaiyuan. The last paragraph of Enclosure No. 1, conclusively shows the discrimination in favor of Japanese shipping:

> Only such shipments are to be ranked as "through cargo" as are shipped through to stations on the South Manchuria Railway under Nippon Yusen Kaisha (South Manchuria Railway steamship) through bills of lading.

Merchants in Newchwang in order to secure the announced 30 per cent reduction in shipments of through cargo are compelled to ship their goods from the United States or Europe in steamers of the Nippon Yusen Kaisha line, transshipment from Shanghai to Dairen being also permitted via steamers of the South Manchuria Railway.

The small concessions made by the South Manchuria Railway in the recent reduction in railway freights cannot be considered satisfactory. The port of Newchwang is clearly discriminated against, and the local merchants have just cause for complaint in this more recent act of the railway in according the port of Dairen advantages denied Newchwang. The foreign merchants of both ports, however, suffer alike in the matter of "through" shipments from foreign countries.

I have [etc.]

ALBERT W. PONTIUS.

File No. 893.773/30.

Minister Reinsch to the Secretary of State.

[Extract.]

No. 423.] AMERICAN LEGATION,
Pekin, October 28, 1914.

SIR: In connection with the Department's instruction No. 140 of July 30 last, with respect to freight rates on the South Manchuria Railway, I have the honor to refer to the further correspondence of the American Consul at Newchwang—despatches Nos. 28 and 31, of October 3 and 17 respectively—copies of which he has forwarded to the Department; to a report[1] on freight rate reductions on the South Manchuria Railway submitted by Mr. G. F. Bickford, Vice Consul in Charge at Antung, on August 3, and to his letter[1] of August 20 to W. A. Reed, Esquire, Honorary Secretary of the American Association of China, at Shanghai, copies of which are enclosed; to the despatch[1] No. 189 of the Consulate-General at Shanghai, dated August 6, copies of which were sent to the Department; and to four unnumbered despatches of the American Consul at Dalny, addressed to the Department of State, dated October 9 and 10, of which extra copies are enclosed for ready reference.

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[1] Not printed.

I would also refer to the memorandum of the British Ambassador at Tokyo to the American Ambassador there, dated September 28, transmitted to the Department with the Embassy's unnumbered despatch of October 8. With respect to the latter memorandum, it is to be pointed out that the statement of Baron Kato, of July 20, does not contain the assurance that through goods brought to Manchuria in non-Japanese bottoms will receive equal treatment with those brought by the ships on the Osaka Shosen Kaisha and the Nippon Yusen Kaisha. In fact it appears to promise nothing further than that goods may receive equal treatment though shipped from abroad instead of from Japan, leaving untouched the arrangement that such equal treatment is confined to goods imported in Japanese bottoms.

The question with respect to the freight rates on the South Manchuria Railway has two aspects; the arrangement of the rate so as to favor the ports of Antung and Dairen, as over against the port of Newchwang, and the special reduction of thirty per cent (30%) granted to goods imported in Japanese bottoms. The reports of the Consulate at Newchwang deal more especially with the former, those from Dairen with the latter aspect of the matter.

The chief objection to the freight tariff, as between the port of Dairen and the port of Newchwang, lies in the fact that the latter is not given the advantage in rates which its shorter distance from Mukden and other stations on the South Manchuria Railway would seem to call for; thus the rate quoted from Newchwang to Tiehling, 156 miles, is the same as that quoted from Dairen to Tiehling, a distance of 293 miles. In other words, while the rates from Newchwang are placed on a per-mile basis, those from Dairen are specific. This method of rate-making, while it is not prima facie discriminatory against foreign merchants, does as a matter of fact discriminate against a port in which the interests of foreign (European and American) merchants are relatively more important than those in Dairen.

A far more serious situation is presented by the reduction of thirty per cent (30%) which, under notice of the South Manchuria Railway, has been extended to merchandise imported in vessels of the Japanese lines plying to Newchwang and Dairen. To this there must be added the special transshipment charges provided for by railway notice of September 3 for cargo brought in by the Japanese steamship lines. In the light of these railway notices it would appear that the equality of treatment to which foreign goods are entitled upon entering into Manchuria is being interpreted by the Japanese authorities as confined to goods carried in Japanese bottoms.

From the point of view of American trade in North China and of the most essential policy for which the United States stands in the Far East, it would seem to be of the greatest importance that a definite assurance should be obtained from the Japanese Government that equality of treatment is not to be thus limited, to the great disadvantage of American shipping and incidentally of American commerce itself. Not only is the levying of freight charges openly discriminatory against merchandise not imported in Japanese bottoms, in direct violation of one of the specific principles enunciated by the American Government in 1899 as a part of the "open door" policy,

to which the formal adherence of Japan has been repeatedly given; but it is, moreover, in contravention of Article VIII of the Treaty of Commerce and Navigation between the United States and Japan of February 21, 1911, whereby:

All articles which are or may be legally imported into the ports of either high contracting party from foreign countries in national vessels may likewise be imported into those ports in vessels of the other contracting party, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in national vessels. * * *

I have [etc.]

PAUL S. REINSCH.

File No. 893.773/31.

Consul Pontius to the Secretary of State.

No. 46.] AMERICAN CONSULATE,
Newchwang, November 7, 1914.

SIR: For the information of the Department, I have the honor to enclose herewith copy of my No. 38, of even date, reporting further to the Legation at Peking concerning the reduction instituted by the South Manchuria Railway covering railway freights on foreign importations, and transmitting further evidence of discrimination in this regard.

I have [etc.]

ALBERT W. PONTIUS.

[Inclosure—Extract.]

Consul Pontius to Minister Reinsch.

No. 38.] AMERICAN CONSULATE,
Newchwang, November 7, 1914.

SIR: Referring to my No. 31, dated October 17, 1914, I have the honor to transmit herewith additional information[1] which clearly shows the facilities and reduction accorded "through" shipments of cotton goods to points in Manchuria from Shanghai via the South Manchuria Railway steamers to Dairen and thence onward over the railway line of the latter institution. * * *

It will be remembered that in my last despatch mention was made that the local South Manchuria Railway stationmaster in a written communication averred that "only such shipments are to be ranked as 'through cargo' as are shipped through to stations on the South Manchuria Railway under Nippon Yusen Kaisha (South Manchuria Railway steamship) through bills of lading." It was considered advisable to ascertain what special treatment would be accorded cargo shipped from Shanghai to Manchuria along the routes referred to by the stationmaster. It might be mentioned in this connection that the Nippon Yusen Kaisha maintains no regular steamship service between Shanghai and Newchwang, consequently "through cargo" would necessarily have to be shipped from Shanghai via Dairen.

What is now plainly apparent is that foreign shipping is discriminated against in that only Japanese steamship lines may be used in order to obtain the 30 per cent reduction quoted, and the port of Newchwang discriminated against owing to the fact that no Japanese steamers ply regularly between the ports of Shanghai and Newchwang. The discrimination against the port of Newchwang as regards "local freights" has also been conclusively proved in my No. 31, dated October 17, 1914, and there seems to be every justification for firmly protesting against the unfair tactics of the South Manchuria Railway in so plainly disregarding the principle of equal opportunity openly professed in the past by the Japanese Government.

I have [etc.]

ALBERT W. PONTIUS.

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[1] Not printed.

File No. 893.773/23.

The Acting Secretary of State to Ambassador Guthrie.

No. 76.] DEPARTMENT OF STATE,
Washington, November 19, 1914.

SIR: Your unnumbered despatch of October 8, 1914 and its enclosure, a copy of a memorandum handed to you by the British Ambassador at Tokyo and relating to the subject of apparent discrimination against shipments from Shanghai in the freight rates of the South Manchuria Railway, have been read with interest.

According to this memorandum the British Ambassador was promised by the Japanese Minister for Foreign Affairs that—

> hereafter in the case of goods from foreign countries, where application is made for through transport, the place of destination of the goods being given as Mukden or certain specified stations north of Mukden, there will be no objection to such goods being accorded the same treatment, as regards freight over the lines of the South Manchuria Railway, as goods coming from Japan.

The Department will be glad to be informed whether or not the words "foreign countries" used in the memorandum are meant to include China, which is "foreign" as regards Japan, but not as regards Manchuria. If China is included, then the Department presumes that goods belonging to Americans shipped from Shanghai into Manchuria may under the conditions specified obtain the same freight rates over the South Manchuria Railway as goods from Japan.

The context appears to show that China is not one of the foreign countries to which reference is made and that American goods to obtain the favored rates must be shipped through Japan and on steamers either of the Osaka Shoshen Kaisha or of the Nippon Yusen Kaisha. Railway Notice No. 47, however, enclosed in the unnumbered despatch of the Consul at Dalny of October 9, 1914, dealing with the extension of reduced rates on through goods system to foreign trade of Japan, declares that the Shanghai line of the Nippon Yusen Kaisha is included in the list of those whose shipments may have the reduced rate.

American goods are usually transshipped at Shanghai and if the Department's understanding of Railway Order No. 47 be correct such goods will not suffer discrimination if forwarded to Mukden or points north of Mukden by steamers of the Nippon Yusen Kaisha.

The Department notes further that American goods shipped to points south of Mukden can not enjoy the favored rates unless they are shipped from Japan over the steamship lines mentioned.

You are instructed to consult with your British colleague and endeavor to obtain his cooperation in representing to the Japanese Minister for Foreign Affairs the injury that will be done to American and European trade in Manchuria by the restrictions imposed. You should call attention to the repeated pledges given to the United States by Japan in support of the principle of equality of commercial opportunity in China, particularly to the note of Viscount Aoki to Mr. Buck under date of December 26, 1899 which gives the assurance asked by Secretary Hay that there shall be "no higher railroad charges over lines built, controlled or operated within such 'sphere' on merchandise belonging to citizens or subjects of other nationalities transported through such 'sphere' than shall be levied

on similar merchandise belonging to their own nationals transported over equal distances."[3]

If it should be replied that American and European goods have only to comply with the conditions mentioned to receive the same rates as Japanese goods, it should be pointed out that to require shipment over one or the other of two Japanese lines and in certain cases from a Japanese port is not in accordance with the provision of the first paragraph of Secretary Hay's note to Minister Buck, which was agreed to by Japan and insures equality of treatment within the limits of China for navigation as well as trade.

The discrimination mentioned, moreover, appears to be opposed to the understanding reached by Secretary Root and Baron Takahira in November, 1908, in an exchange of notes which declares it to be the desire of the two Governments to encourage the free development of their commerce in the Pacific Ocean and to be the policy of both Governments to support by all pacific means the principle of equal opportunity for commerce and industry of all nations in China.[4]

You are instructed that, failing to obtain the cooperation of your British colleague, you should bring the subject informally to the attention of the Minister for Foreign Affairs and endeavor to obtain assurance that the railway orders issued by the South Manchuria Railway Company will be so modified as to remove the discrimination against American trade to which attention has been called above.

I am [etc.]

ROBERT LANSING.

File No. 893.773/32.

Consul Pontius to the Secretary of State.

No. 52.] AMERICAN CONSULATE,
Newchwang, November 28, 1914.

SIR: For the information of the Department, I have the honor to transmit herewith copy of my No. 44, of even date, reporting further to the Legation at Peking concerning the question of rate discrimination in connection with the reduction instituted by the South Manchuria Railway covering railway freights on foreign importations.

I have [etc.]

ALBERT PONTIUS.

[Inclosure.]

Consul Pontius to Minister Reinsch.

AMERICAN CONSULATE,
No. 44.] *Newchwang, November 28, 1914.*

SIR: Referring to my No. 38, dated November 7, 1914, with reference to the South Manchuria Railway rate discrimination against the port of Newchwang, I have the honor to transmit herewith additional information which may be of value to the Legation or the Embassy at Tokyo in arriving at a satisfactory settlement of this vexatious question.

It would seem advisable to emphasize the necessity of insisting, for the protection of Newchwang trade, that the same treatment—viz 30% rail rate reduc-

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[3] For. Rel. 1899, pp. 138–139. [4] For. Rel. 1908, pp. 510–512.

tion instead of only 15%—be conceded goods landed at Manchurian ports and afterwards railed to inland points, as is accorded "through" goods coming in from overseas to inland points, under through bills of lading which enjoy the 30% reduction.

Assuming that the through bill of lading facilities were made available to all steamship lines instead of only to Japanese lines as at present, the discrimination against non-Japanese ocean shipping would become eliminated; but the difference between 15% on "local" and 30% on "through" cargo, would still militate against import goods to Newchwang, stored there temporarily until sold, and then railed to an inland point. Considerable stress should be laid on the importance of the principle of equal treatment to goods, whether billed "through" from over seas, or only railed "locally" from the Manchurian port of import. In all cases where goods are railed to interior points from Newchwang, a practical arrangement would be for the South Manchuria Railway to accept a copy of the steamship bill of lading covering ocean shipment of the goods in question, as bona fide evidence that the goods are entitled to the 30% reduction extended to "through" cargo, a fair time limit being allowed for local storage.

I have [etc.]

ALBERT W. PONTIUS.

File No. 893.773/31.

The Secretary of State to Ambassador Guthrie.

No. 81.] DEPARTMENT OF STATE,
Washington, December 8, 1914.

SIR: In continuance of the Department's instruction No. 76 of November 19, 1914, there is sent you enclosed herein the copy of a despatch to the Legation at Peking No. 38, of November 7, 1914, from the American Consul at Newchwang which supplies further evidence of discrimination against American and European trade and navigation in the freight rates of the South Manchuria Railway Company.

The Department hopes that the representations already made by you to the Japanese Foreign Office may have led to such modification of the regulations regarding shipments via Japan and Shanghai as shall have removed the discrimination of which complaint has been made.

If, upon receipt of this instruction, this desired end shall not have been attained already, you are instructed to bring the subject once more to the attention of the Foreign Office and request such modification of the published rates and rules as will remove all just cause of complaint on the part of American merchants.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 893.773/32.

The Secretary of State to Ambassador Guthrie.

No. 90.] DEPARTMENT OF STATE,
Washington, January 4, 1915.

SIR: Referring to the Department's No. 81 of December 8, 1914, to you, regarding the freight rate reductions instituted by the South Manchuria Railway on foreign importations, there is enclosed herewith for your information copy of Despatch No. 52 of November 28,

1914, from the American Consul at Newchwang, with its enclosure, relating to this subject.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 893.773/34.

Consul Pontius to the Secretary of State.

No. 63.] AMERICAN CONSULATE,
Newchwang, January 6, 1915.

SIR: For the information of the Department, I have the honor to transmit herewith copies of correspondence of recent date had between the Embassy at Tokyo and this Consulate concerning the discrimination in through freight rates on the South Manchuria Railway.

The Department is referred to my No. 52 dated November 28, 1914, with which was transmitted a copy of the Legation despatch referred to in the correspondence.

I have [etc.]

ALBERT W. PONTIUS.

[Inclosure 1.]

Ambassador Guthrie to Consul Pontius.

AMERICAN EMBASSY,
Tokyo, December 31, 1914.

SIR: With reference to recent correspondence between our offices regarding discrimination in through freight rates on the South Manchuria Railway, I beg to request that you will inform me with as little delay as possible what is the present situation. I should be glad if you would give me your opinion as to the manner in which, and the extent to which, imports of American goods from Shanghai for distribution to interior points by that road have been affected.

In your letter of November 28 last to the Legation at Peking, you say that "assuming that the through bill of lading facilities were made available to all steamship lines instead of only to Japanese lines as at present," etc. I am uncertain whether or not this means that the 30% reduction is to be extended to goods coming from Shanghai by other lines than the Nippon Yusen Kaisha.

I am [etc.]

GEORGE W. GUTHRIE.

[Inclosure 2.]

Consul Pontius to Ambassador Guthrie.

AMERICAN CONSULATE,
Newchwang, January 6, 1915.

SIR: I have the honor to acknowledge the receipt of an instruction from the Embassy dated December 31, 1914, asking [etc.]

Since my last report to the Legation dated November 28, 1914, copy of which the Embassy has received, I know of no further developments which have occurred. The port of Newchwang is icebound during the winter months, and any pronouncement of the railway with regard to this question as affecting this port would very likely be delayed until just previous to the opening of navigation in the coming Spring. In the sentence quoted by the Embassy "assuming that the through bill of lading facilities were made available to all steamship lines instead of only the Japanese lines as at present," etc., by the use of the words "assuming that" was meant "in the event of" or "even if," and there

was no intention of giving the impression that the 30% reduction was to be extended to goods coming from Shanghai by other lines than the Nippon Yusen Kaisha.

In a despatch to the Mukden Consulate General dated December 2, 1914, certain information was transmitted with regard to this matter, and a quotation of the salient points embodied in that communication will more or less clearly acquaint the Embassy as to how imports of American goods from Shanghai for distribution to interior points are likely to be affected.

In the last sentence of my despatch to the Legation dated November 28, 1914, equal treatment asked for is but fair and should not be considered in the light of a special favor. By "all cases where goods," etc., is meant such commodities as are shipped, say, from Shanghai to Newchwang for later distribution to inland points, the cargo shipped to correspond in all cases with the bill of lading shown to the railway as evidence of a right to the 30% reduction. The shipper at Shanghai could easily apportion each cargo shipment so that several or more bills of lading would be issued, and shipment to an inland point within a reasonable time limit—say four months—of any part of the cargo covered by one of the bills of lading could thus conveniently be effected. Most of the cargo received from Shanghai and shipped to inland points is contracted for locally after arrival in the port, and often several months must elapse before the sale is arranged. Such cargo should in all fairness be accorded the 30% reduction applicable to "through" shipments, and not the 15% reduction supposed to apply on "local" shipments. It is thus evident that most of the cotton goods shipped to Newchwang from Shanghai could not be sent under a "through" bill of lading to an inland point, and under existing conditions such cargo is only granted the discriminative "local" rate reduction.

I do not know of one Chinese or non-Japanese local firm which imports cotton goods from Japan, such importers invariably using Shanghai as their base of supply. The Japanese importer takes especial care, as is to be expected, that the cotton goods of Japanese manufacture occupy first thought, and the supplying of any local demand for the American article of manufacture, from Japan, is considerably handicapped under the circumstances. The attempt to regain any part of the large American cotton goods trade previously had throughout Manchuria, cannot well be effected through Japanese firms, and as no other firms in Newchwang will import cotton goods stocks from Japan (owing to connections and affiliations being at Shanghai) it requires no stretch of the imagination to perceive the trade set-back the present existing condition of affairs is likely to cause. It is, therefore, important that an effort be made towards securing similar treatment on goods shipped from Shanghai to Newchwang, stored there temporarily until sold and then railed to an inland point, as is at present accorded through cargo shipped from Japan through the latter port.

I have [etc.]

ALBERT W. PONTIUS.

File No. 893.773/35.

Ambassador Guthrie to the Secretary of State.

No. 184.] AMERICAN EMBASSY,
Tokyo, January 6, 1915.

SIR: I have the honor herewith to acknowledge the receipt of the Department's instruction No. 76 of November 19 last, relating to the subject of apparent discrimination in the freight rates of the South Manchuria Railway against shipments from Shanghai.

I have recently had several consultations on this subject with Sir Conyngham Greene, the British Ambassador here. On December 29 he told me that he had received no complaints or instructions in this matter since his receipt, on July 20 last, of a note from Baron Kato, a portion of which he later gave me in the shape of the memorandum enclosed in my despatch of October 8. He said that some time ago he had transmitted to his Foreign Office a complaint from Newchwang reciting that that port was being discriminated against, and in reply had been advised that the Board of Trade did not consider the amount involved sufficient to justify further action at that time, and that he had, therefore, taken no further steps in the premises; he had understood, too, that the British Minister at Peking had made some representations to London, but he himself knew no particulars.

I explained the attitude of our own Consul, calling his attention to the reports of the Chinese customs authorities on the trade of

Newchwang, Canton, and Dairen, pointing out that the Consul's representations were not so much on account of discrimination against Newchwang as on account of interference with established lines of trade through Shanghai; his idea being that, under the present regulations, trade coming through Shanghai was greatly discriminated against in violation of the policy of the "open door" in China, and that if this discrimination continued, not only American trade but British trade also through Shanghai would be driven out of North China.

Sir Conyngham asked me to give him in written form a résumé of the points I had touched upon, and two days later, on the occasion of his last call upon me, I handed him the memorandum, a copy of which is enclosed herewith.

He said he would write immediately to the British Minister at Peking asking him to communicate with the British Consuls at Shanghai and Newchwang, requesting that they, after consultation with the American Consuls at their respective ports, send him a report; if they took the same view of the situation as our Consul at the latter port, he would take the matter up with the Foreign Office at London, and if authorized to do so would very gladly join with me in a representation to the Japanese Government in an effort to secure favorable action.

I have [etc.]

GEORGE W. GUTHRIE.

[Inclosure.]

MEMORANDUM.

It is the opinion of the American Consul at Newchwang that American commerce is injuriously affected by four facts, as follows:

1. That the order made in pursuance of the assurance given by Baron Kato on July 20 last to the British Ambassador that through shipments to Newchwang from "foreign" ports would be given the same rates as shipments from Japanese ports, has not been construed to apply to Shanghai, which is not a foreign port as regards Newchwang, both being Chinese;

2. That the order extending to shipments from Shanghai to Newchwang by vessels of the Nippon Yusen Kaisha the benefit of the 30% reduction to points north of Mukden, constitutes a discrimination against all other lines of shipping;

3. That the restriction of the reduction of 30% to goods from Shanghai consigned directly to points north of Mukden puts such goods, destined to points south of Mukden, even when they are shipped from Shanghai by Nippon Yusen Kaisha vessels, at a disadvantage as compared with goods shipped from Japanese points to points south of Mukden;

4. That goods landed at Newchwang and temporarily stored there before being forwarded are not given the same discount as goods consigned directly to points beyond. It is urged that the same discount could easily and safely be granted in this case, as the bills of lading would have to be produced as proof of the origin of the consignment.

File No. 893.773/36.

Vice Consul Hanson to the Secretary of State.

No. 70.] AMERICAN CONSULATE,
Newchwang, January 28, 1915.

SIR: For the information of the Department, I have the honor to transmit a copy of an instruction to this office, dated January 14,

1915, received from the Embassy at Tokyo, and a copy of this office's despatch in reply thereto, dated January 28, 1915, on the subject of the apparent discrimination in freight rates instituted by the South Manchuria Railway on foreign importations.

I have [etc.]

G. C. HANSON.

[Inclosure 1.]

Ambassador Guthrie to Consul Pontius.

AMERICAN EMBASSY,
Tokyo, January 14, 1915.

SIR: I beg to acknowledge herewith the receipt of your communication of the 6th instant,[5] on the subject of apparent discrimination in freight rates instituted by the South Manchuria Railway on foreign importations.

I have before me a letter written by the British Consul at Dairen to the British Ambassador here, which states as follows:

> I asked the railway company if it would be correct to assume that goods shipped along the routes specified in the notification (i. e., the specific local freight charges on goods shipped into the interior of Manchuria from the ports of Antung, Dairen, and Newchwang) but in *foreign* bottoms and not on Osaka Shosen Kwaisha or Nippon Yusen Kwaisha boats, would *not* benefit by the new specific through rates but be liable to the specific *local* rates—which are higher. I am pleased to be able to report that * * * in a letter which I have just received from the railway company, it is stated that the specific through rates are applicable to the specific through goods carried by any steamship line, whether under a foreign flag or the Japanese flag, who have entered into special arrangements with this company concerning the transportation of through goods.

This would seem to contradict the information which you have received upon this point. I shall be glad if you will let me know whether you have had any conversation directly with the railway people touching this particular question.

On page three of your letter, acknowledged above, you speak of the 15% reduction "supposed to apply on 'local' shipments." Does not this 15% reduction in fact apply?

I am, [etc.]

GEO. W. GUTHRIE.

[Inclosure 2—Extract.]

Vice Consul Hanson to Ambassador Guthrie.

AMERICAN CONSULATE,
Newchang, China, January 28, 1915.

SIR: In reply to the Embassy's instruction of January 14, 1915, I have the honor to refer the Embassy to this office's despatch No. 31, dated October 17, 1914, to the Legation in Peking on this subject. A copy of this despatch was forwarded to the Embassy under the same date.

At the bottom of page 1, of this despatch, the statement is made that "The said quotation includes also the discriminating statement regarding shipments of through cargo from either the United States or Europe." So far as I can learn from the records of this office, the basis for this statement was a letter dated October 14, 1914, written by the local stationmaster of the South Manchuria Railway Company to the local office of the * * * firm * * *; this communication states explicitly that "only such shipments are to be ranked as 'through cargoes' as are shipped through to stations on the South Manchuria Railway Company, under the Nippon Yusen Kaisha-South Manchuria Ry. through bills of lading."

This does not seem to be in accord with the information on this point received by the British Consul in Dairen.

In this connection, there is quoted below a passage from a letter received from the local office of * * *, discussing the phase of the question bearing upon the application of the specific through rates "to the specific through goods carried by any steamship line, whether under a foreign flag or the Japanese

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[5] Inclosure 2 with Mr. Pontius' No. 63 of January 6, p. 609.

flag, who have entered into special arrangements with this Company concerning the transportation of through goods."

I consider the whole point lies in the meaning of the misleading or ambiguous wording: "* * * who have entered into special arrangements with this company concerning the transportation of through cargo." In my opinion, what this really amounts to is that the facility would—or could—be applicable to any non-Japanese line which might have entered into special arrangement with S. M. Ry concerning the transportation of through goods, but I am not aware that any non Japanese line has actually done so, or has ever been made acquainted that it could do so, or that if it were made so acquainted, it would find practicable the conditions which it would most probably be asked to comply with. The Manchuria Daily News of 30th September and 1st October last only mention N. Y. K. and O. S. Kaisha, and no notification to the effect mentioned by H. B. M's Consul at Dairen, as having been advised to him by letter, has, as far as I am aware, been made public. If not, why not? That is the unsatisfactory point.

As the local stationmaster of the railway company here is a very subordinate officer and must refer questions of importance to the head office in Dairen, it might be advisable for the American Consul in Dairen to apply directly to the South Manchuria Railway Company for information in regard to the nature of the "special arrangements" necessary to be entered into, and endeavor to discover whether or not these "special arrangements" are the same that Japanese steamship lines have entered into with the railway company.

With regard to the application or non-application of the 15% reduction on local shipments from Newchwang, the Embassy is again referred to this office's dispatch No. 31, of October 17, 1914, to the Legation. Enclosure No. 2, of that dispatch gives a table, based on old rates found in the railway company's tariff book in operation prior to October 1, 1914, and new rates, effective after October 1, 1914, as quoted by the local stationmaster of the company. Here it is clearly shown that the 15% reduction does not apply in all cases.

I have [etc.]

G. C. HANSON.

File No. 893.773/35.

The Secretary of State to Ambassador Guthrie.

DEPARTMENT OF STATE,
Washington, February 12, 1915.

SIR: Receipt is acknowledged of your despatch of January 6, 1915, regarding the apparent discrimination in freight rates of the South Manchuria Railway against shipments from Shanghai.

The despatch has been carefully noted. The Department is greatly interested in this question and trusts that all cause for complaint in this regard may soon be removed.

I am, [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 893.773/37.

Ambassador Guthrie to the Secretary of State.

No. 234.]

AMERICAN EMBASSY,
Tokyo, March 8, 1915.

SIR: With reference to my despatch to the Department No. 184 of January 6 last, I have the honor to state that since the date of that despatch the British Ambassador has informed me that in view of all the circumstances, and considering the smallness of British interests involved, he does not feel disposed to join in any representation to the Imperial Government on the subject.

I have found through correspondence with the Consuls at Newchwang and Dairen and by communication from the British Consul at the latter place (copies of which have been given me by Sir

Conyngham), that a discount of thirty per cent on the specific rates is now allowed on cotton goods shipped by Japanese lines from Shanghai to Newchwang and consigned to points north of Mukden. I have also learned that the railway authorities assert that a similar discount will be allowed on such shipments by British lines making suitable arrangements with the railway company. I can not find, however, that any British line has entered into such an agreement.

As the matter stands at present, it will be seen that American cotton goods shipped from Shanghai in Japanese bottoms and consigned to points north of Mukden via Newchwang, are allowed the thirty per cent discount on the specific rates; but such discount is not allowed on goods shipped by other lines or on goods consigned to Newchwang and subsequently reshipped from that place to points north of Mukden. It is only on these two points, therefore, that claim of discrimination was made by me.

While the former Consul at Newchwang was of the opinion that an effort should be made to induce the railway company to grant a similar discount of thirty per cent on goods shipped from Newchwang to points south of Mukden, I do not understand the instructions of the Department to authorize me to raise this question, as no discrimination is involved in it.

In view of the decision of the British Ambassador not to join in any protest to the Imperial Government, I have filed a representation on behalf of American trade, a copy of which is enclosed herewith. I have taken this action at the present time for the reason that the established rates now enforced, expired on the 31st of this month, and it appears from the newspapers that a conference is now going on in Tokyo between the boards of the Government Railways, the Chosen Railway, and the South Manchuria Railway, at which the fixing of the rates for the next year is under consideration.

I am just informed that there are no American merchants now carrying on business at Newchwang, all of them having withdrawn some time ago except one who has since died.

I have [etc.]

GEORGE W. GUTHRIE.

[Inclosure.]

Ambassador Guthrie to Baron Kato.

No. 104.]

AMERICAN EMBASSY,
Tokyo, March 6, 1915.

YOUR EXCELLENCY: Pursuant to instruction from my Government, I have the honor to call the attention of the Imperial Government to an alleged discrimination in freight rates charged by the South Manchuria Railway Company on cotton goods of American manufacture, shipped from Shanghai to consignees at Newchwang, and from there forwarded to purchasers at various points in Manchuria north of Mukden.

It is stated that a discount of thirty per cent on established rates is allowed on Japanese cotton goods shipped through from Japanese ports, while the full established rates are required on American cotton goods shipped from Shanghai, unless carried in Japanese bottoms and consigned directly to points in Manchuria north of Mukden. I am informed that notice has been given at Newchwang that a similar privilege will be extended to such British lines from Shanghai as entered into the same arrangements with the South Manchuria Railway Company as do the Japanese lines; I am not aware, however, that such

arrangements have yet been made by any British line, nor, so far as I have been able to learn, have the specific terms been announced on which arrangements could be made. At present, therefore, cotton goods shipped from Shanghai via Newchwang, can secure the discount allowed on such goods from Japanese ports, only when shipped in Japanese bottoms and when consigned directly through from Shanghai to points north of Mukden.

The established course of trade in American cotton goods intended for points in Manchuria has been to ship them to Shanghai, from which point they are consigned to Newchwang, where the consignees reship them to the purchasers at various points in the interior. Under the regulations complained of, goods so shipped are not allowed the discount of thirty per cent on established rates granted to cotton goods from Japan; and even if consigned from Shanghai direct through interior points without the intermediate delivery to consignees in Newchwang, the discount it at present allowed only when these goods are shipped in Japanese bottoms.

American shippers assert, and their claim seems not without justification, that owing to the character of the trade and the manner in which the goods are handled at Newchwang, it is practically impossible for them to change the mode of shipment and instead of consigning their goods in the first place to Newchwang, to consign them direct to the purchasers at the final points of destination in the interior. It is asserted too, that to require them to do this as a condition on which the rebate on railway freights would be allowed, can be of no benefit or advantage to the railway company. The goods under any circumstances must be transshipped at Newchwang, where the presence of a consignee to receive and care for them relieves both the shipowners and the railway company of labor and responsibility in handling them.

It would seem, therefore, that no reason exists which would justify any greater charge by the South Manchuria Railway Company for the transportation to interior points of goods consigned from Shanghai to Newchwang in this way than for goods shipped from Japanese ports through Newchwang and directly consigned to the same interior points. And it seems at the same time apparent that such greater charge cannot but impose upon the trade a heavy burden which is incompatible with the principle of equal opportunity.

I have been instructed to bring this matter to your excellency's attention, pointing out that the regulations to which exception is made appear to discriminate against American trade, and to this extent to be inconsistent with the policy of the open door—a policy which has so long been mutually upheld by our two Governments, and Japan's adherence to which was again stated in the address of the Premier on the 27th of last month, in his excellency's declaration that "our Government does not help our merchants to contend with foreign merchants in China."

In view of the clear understanding in regard to this wise and beneficent policy which has so long been followed by both Japan and the United States, the Department of State has full confidence that the regulations pointed out in the above were adopted by the local authorities without a full appreciation of their effect upon American trade. I therefore have no hesitancy in calling your excellency's attention to the dissatisfaction thus caused, in the hope that the situation will be carefully considered, and that if the facts be found to militate against that principle of equal opportunity under which the trade of our two countries has up to this time developed, an adequate solution will be found by the Imperial Government.

I avail [etc.]

GEORGE W. GUTHRIE.

File No. 893.773/39.

Ambassador Guthrie to the Secretary of State.

No. 242.] AMERICAN EMBASSY,
Tokyo, March 29, 1915.

SIR: My despatch No. 234 of the 8th instant transmitted as enclosure a copy of a representation made by the Embassy to the Foreign Office on the subject of apparent discrimination in freight rates on the South Manchuria Railway against shipments from Shanghai.

I have the honor herewith to transmit a copy of a note from the Foreign Office received in reply.

In a recent conversation with the Minister for Foreign Affairs he told me that the above-named company had desired to promote the commerce of Dairen and to favor it even at the expense of Newchwang, for the reason that at the latter place part of the trade to Mukden and beyond went by the Chinese railway, whereas by Dairen the whole went by the South Manchuria road. He said that as the matter had been explained to him the regulations did not discriminate between the trades of different countries at all, American trade being able to take advantage of the regulations just as Japanese trade had. I pointed out that while this was theoretically true, practically it was not correct; that American trade all went by way of Newchwang, where it was very much discriminated against by this regulation; that while theoretically goods going from Shanghai by way of Newchwang could get the benefit of the discount on through rates provided they were billed through, the only steamship line which could issue the through bills was composed of the South Manchuria Company's own ships. Baron Kata admitted that this point should be corrected and arrangements made to permit other lines to send goods through.

As to the regulation providing that only through goods could be entitled to the discount, he seemed convinced that American trade had no just cause of complaint thereat. He said that as a matter of fact Japanese merchants at Dairen had complained bitterly of the same thing, alleging that insistence upon this point must drive them out of the trade. In spite of this, however, the company had adhered positively to the regulation.

It will be noted by the communication from the Foreign Office that the railway company expresses its willingness to form a connection for joint transportation with any foreign steamship company so desiring, and to allow to such foreign company the same reduced rates on through goods which are now given to through goods carried by the railway company's own steamers, and that this regulation applies both at Newchwang and Dairen.

I have [etc.]

GEORGE W. GUTHRIE.

[Inclosure—Translation.]

Baron Kato to Ambassador Guthrie.

No. 98.] FOREIGN OFFICE,
Tokio, March 19, 1915.

MONSIEUR L'AMBASSADEUR: I have the honor to acknowledge the receipt of your excellency's note under date the 6th instant, relative to the reduced freight rates on the South Manchuria Railway.

I beg to state that having referred the matter to the authorities concerned, I am now in receipt of a reply therefrom to the following effect:

The special reduced rates at present in force are allowed to certain goods which are sent direct through Dairen, Newchwang, or Antung to Mukden or specified points north of that city; and it is intended that the same treatment shall be accorded whether the port of export and place of origin of the goods in question and the nationality of the vessels carrying them be Japanese or foreign. If, however, the said goods are, instead of being sent direct, first landed at Newchwang, Dairen, or Antung, and then forwarded to Mukden or specified points north of that city, such goods are, even if they are Japanese, charged somewhat higher rates then those allowed to the above-mentioned through goods. On this point also, no special protection is given to Japanese goods against foreign, and

they are all treated, whether Japanese or foreign, in the same manner with absolute impartiality. It may be added that for effecting the through transportation above referred to, it is necessary that a connection for joint transportation should be first established between the steamship company and the South Manchuria Railway Company, and at present the steamship companies having such connection with the Railway Company are the Osaka Shosen Kaisha and the Nipon Yusen Kaisha. But if any foreign steamship company desires to form such connection for joint transportation, the Railway Company is willing to comply and will certainly allow the above-mentioned reduced rates to the through goods carried by the steamers belonging to such company. Indeed, the Railway Company lately received from the American Consul at Dairen a letter inquiring whether it was willing to make an arrangement for joint transportation identical with that in force with the two Japanese steamship companies above named with an American steamship company for the transportation of through goods from San Francisco; and it is the intention of the South Manchuria Railway Company to comply at any time with the request and make an arrangement for allowing to American goods the same reduction in rates as in the case of Japanese goods.

I avail [etc.]

BARON TAKAAKI KATO.

File No. 893.773/45.

Ambassador Guthrie to the Secretary of State.

No. 253.] AMERICAN EMBASSY,
Tokyo, April 6, 1915.

SIR: Continuing my despatch No. 242 of March 29, I have the honor to state that on the 5th instant the British Ambassador informed me that in a recent conversation with the Japanese Minister for Foreign Affairs, Baron Kato had said to him that if an application were made by any British line for the establishment of through rates from Shanghai on the same basis as those already established with Japanese lines, he would lend his aid to securing the consummation of the arrangement. In the same connection the Ambassador gave me a copy of an unofficial letter which he had sent to Sir John Jordan, the British Minister in Peking, suggesting that the latter instruct some British company in Shanghai to make an application for the benefit of these through rates and to advise him at once when this had been done so that he could call upon Baron Kato for the latter's promised assistance, and consummate the arrangement as a precedent.

I have [etc.]

GEO. W. GUTHRIE.

File No. 893.773/37.

The Secretary of State to Ambassador Guthrie.

No. 140.] DEPARTMENT OF STATE,
Washington, April 17, 1915.

SIR: Your despatch No. 234 of March 8, 1915, relating to the subject of apparent discrimination in the freight rates on the South Manchuria Railway against shipments from Shanghai, has been read with interest.

The representations made by you to the Imperial Japanese Government on behalf of American trade through Newchwang are approved by the Department.

It appears, however, that discrimination exists not only on shipments through Newchwang but on shipments through Dairen as well in cases where the goods are not carried in Japanese vessels. The Department has received recently a number of protests against the alleged inequality of treatment accorded American goods. It is hoped, therefore, that your representations will lead to a removal of the discriminations charged.

A telegram from the Consul at Dairen dated April 7 reports that American vessels are still denied most-favored treatment, from which the Department infers that the conference to which you refer in your despatch under acknowledgment decided to continue the practice of which complaint is made.

You are instructed, therefore, to bring the matter once more to the attention of the Japanese Foreign Office and express the hope and confident belief of this Government, that the Imperial Japanese Government will require the authorities of the South Manchuria Railway so to modify their published rates as to secure that equality of commercial opportunity for all nationalities in Manchuria, to the maintenance of which both our Governments are pledged.

With respect to the trade through Newchwang, attention should be called to the fact that the discrimination is the more marked for the reason that no line of Japanese steamers appears to be engaged in carrying goods to that port, while all other lines are denied the reduced rates so that shipments through that port are practically without any relief.

You will also repeat your endeavors to obtain for shipments to Newchwang which are subsequently forwarded to points north of Mukden, the same reduction as is granted to those sent through Newchwang direct to points north of Mukden.

The Department trusts you will spare no effort to obtain a satisfactory settlement of these matters which appear to be of considerable importance to American trade.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 893.773/38.

The Secretary of State to Ambassador Guthrie.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 17, 1915.

Your 234, March 8. Consul, Dairen, telegraphs discrimination against American vessels still exists. Request Foreign Office to instruct railway authorities to grant the reduced rates to shipments in other than Japanese vessels whether to Newchwang or Dairen as necessary to preserve open door.

BRYAN.

File No. 893.773/42.

Chargé Wheeler to the Secretary of State.

No. 296.] AMERICAN EMBASSY,
Tokyo, June 9, 1915.

SIR: Since the writing of the Department's instruction No. 140 of April 17 last, on the subject of apparent discrimination in the freight rates on the South Manchuria Railway, the Embassy's Nos. 242 and 253 of March 29 and April 6, respectively, have informed the Department of later developments in the question.

On receipt of the Department's telegram of April 17, I at once took up the matter with the Foreign Office, on the basis of Baron Kato's note No. 98 of March 19 (enclosed in our dispatch No. 242, above mentioned), stating that I was confident that the continuance of the old conditions at Dairen was due only to the failure of the local authorities to receive instructions from the central office, and that I hoped the sending of these instructions need not be long delayed. The vice minister for Foreign Affairs promised to telegraph at once to Dairen and to ascertain where the trouble lay.

On May 5 the Consul at Dairen telegraphed me that the railway authorities informed him that a draft of agreement was being prepared there which would be submitted to the Imperial Government for their approval. On my next call at the Foreign Office I inquired regarding this draft, expressing some surprise that it should be thought to be necessary, since all that was desired in the case of shipments by American vessels was that rates and agreements be applied to them which were already operative as regards shipments in Japanese vessels. The reply was made that the local authorities at the port involved, knowing how to deal with Japanese companies, had not in the past gone very deeply into the question, but that now that arrangements were to be made with foreign companies, they felt the need of giving the matter more careful study and employing a more regular form of contract.

I have the honor to enclose herewith copies of more recent correspondence between myself and the Vice Minister for Foreign Affairs on the subject. The Embassy is not as yet in receipt of a copy of the "draft contract" said to be in preparation.

The Department's instruction No. 140, above referred to, states that "no line of Japanese steamers appears to be engaged in carrying goods to that port" (Newchwang). According to the report of the Commissioner of Customs for the year 1913 (the latest report on file at this Embassy), clearances and entries of Japanese steamers at Newchwang totaled 298, as against 177 British and 114 Chinese vessels. What proportion of these ply between Newchwang and Shanghai, these statistics do not show; I am informed, however, by the Nippon Yusen Kaisha that this company maintains a regular service on that route.

I have [etc.]

POST WHEELER.

[Inclosure 1.]

The Vice Minister for Foreign Affairs to Chargé Wheeler.

FOREIGN OFFICE,
Tokio, May 18, 1915.

DEAR MR. WHEELER: In reference to our conversation the other day respecting the conclusion of a contract for transportation connection between the South Manchuria Railway Company and the American Steamship Company, we made inquiry at once through the Railway Board with regard to the progress of the negotiations at Dairen; and received from the Board a telegraphic reply of the Railway Company, stating that as it was necessary first to make investigations concerning the conditions of the proposed contract and the manner of carrying them out, these investigations were being made with great expedition. The Board was next desired to urge the Railway Company to accede to the proposal of your Consul at Dairen and bring the negotiations to a satisfactory

conclusion as soon as possible; and accordingly the Board instructed the Company by telegraph on the 6th instant to frame the draft contract at an early date and open negotiations with your Consul. The Company has sent a reply to the Board, expressing its compliance with these instructions.

K. MATSUI.

[Inclosure 2.]

Chargé Wheeler to the Vice Minister for Foreign Affairs.

AMERICAN EMBASSY,
Tokyo, May 20, 1915.

DEAR MR. MATSUI: I beg to thank you most sincerely for your note of the 18th instant, respecting the matter of transportation connection between the South Manchuria Railway Company and American vessels.

It is my understanding—from the declaration of the South Manchuria Railway Company as quoted in his excellency Baron Kato's note, No. 98 of March 19 last, to the Ambassador—that the reductions in rates and the treatment provided in the draft contract now in preparation for application to American vessels at Dairen, will be the same as in the case of Japanese vessels; and that it is the intention of the Railway Company to make with American vessels at Newchwang and Antung similar agreements which shall grant the same reductions as in the case of Japanese vessels.

Inasmuch as your note does not describe the nature of the draft contract referred to, may I ask you to be so kind as to confirm my understanding of these points?

POST WHEELER.

[Inclosure 3.]

The Vice Minister for Foreign Affairs to Chargé Wheeler.

FOREIGN OFFICE,
Tokio, June 8, 1915.

DEAR MR. WHEELER: I beg to acknowledge the receipt of your note of the 20th ultimo, relative to the transportation connection between the South Manchuria Railway and the American steamship company. Having at once referred the matter to the Railway Board, I am now in receipt of a reply to the following effect:

The freight rates to be charged upon formation of the direct transportation connection between the American steamers and the South Manchuria Railway at Dairen, Newchwang, and Antung will not, as a matter of course, differ from those chargeable in case of a similar connection with Japanese steamers; and in regard to the handling of cargoes and other matters, the treatment accorded in the case of a connection with Japanese vessels will be generally followed. As, however, the two companies intend to enter into a voluntary contract after consulting their mutual convenience, the Board is unable, pending the presentation of the draft contract for its approval by the Railway Company, to give a definite answer with respect to matters of detail.

Yours very sincerely,

K. MATSUI.

File No. 893.773/43.

Chargé Wheeler to the Secretary of State.

AMERICAN EMBASSY,
Tokyo, June 23, 1915

SIR: With reference to my despatch of the 9th instant, No. 296, I have the honor herewith to transmit a copy of a letter with enclosures, dated June 16, received from the Consul at Dairen.

I have [etc.]

POST WHEELER.

[Inclosure.]

Consul Williamson to Chargé Wheeler.

AMERICAN CONSULATE,
Dairen, Manchuria, June 16, 1915.

SIR: I have the honor to transmit herewith, as per list at the end of this letter, copies of correspondence between this office and the South Manchuria Railway Co., which I have not previously sent you.

I am now willing and desirous of dropping this matter until the arrival of some American ship brings it up in concrete form.

You will notice that I have been careful to state that I did not admit the necessity of an agreement with the South Manchuria Railway Co. The semi-governmental character of this company makes its acts more or less those of the Japanese Government; therefore rates granted by it to one class of goods are officially discriminatory unless granted to another; and, in my opinion, goods of the special class coming here in any American vessels must receive the special rates, agreement or no agreement. Indeed, in my opinion, there is discrimination whatever the means by which American goods arrive—whatever the nationality of the vessel—if Japanese goods are granted cheaper rates. The importing-vessel scheme is, to me, simply a subterfuge which does not affect the fact of discrimination one way or another.

I should be glad to have the Embassy's opinion in regard to this matter.

I have [etc.]

A. M. WILLIAMSON.

[Subinclosure 1.]

Consul Williamson to Baron Nakamura.

AMERICAN CONSULATE,
Dairen, May 18, 1915.

YOUR EXCELLENCY: I have the honor to acknowledge the receipt through Mr. Secretary Y. Kubo, of your excellency's letter of yesterday's date, informing me that your excellency's company is "now preparing the draft of an agreement to submit to the Imperial Japanese Government for sanction," and that later on I will receive a copy and form of application.

While thanking your excellency for the communication under acknowledgment, I take the liberty of pointing out that your excellency's letter seems to imply that a new—and therefore different—form of agreement is being prepared. As I did not understand that simply an agreement was desired, but an agreement identical with that now in operation with at least two Japanese shipping companies, the Nippon Yusen Kaisha and the Osaka Shosen Kaisha, I should be grateful for any information your excellency can give me as to why a new form of agreement is necessary. I feel confident that your excellency's expected reply will help greatly to clear up this point.

I have [etc.]

A. A. WILLIAMSON.

[Subinclosure 2.]

Y. Kubo, of the South Manchuria Railway Company, to Consul Williamson.

DAIREN, *May 18, 1915.*

SIR: I have the honor to acknowledge the receipt of your note addressed Baron Nakamura of this Company, under date of the 5th inst., regarding the specific through goods on the South Manchuria Railway.

In reply to the query contained in your note why a new form of agreement is necessary, I am instructed to state that, with a full regard for the principle of equal opportunities in South Manchuria, we feel it necessary to take into consideration the differences that exist in the practices re the transportation business in vogue in the United States and Japan, the dissimilarity in the currency systems of both countries, etc., in our task of drafting the agreement and the form of application as referred to in our reply to you under date of the 4th inst.

I beg to make mention of the above in order to explain to you that, whilst

a wholly different agreement is not under preparation from the existing one, there are circumstances which render a literal translation of the existing agreement not exactly answerable for the purpose.

We trust that this explanation will be found by you satisfactory.

We have now a great favor to ask of you. As we have taken up the study of the subject under notice, we have become extremely desirous of learning through your kind offices for reference sake the following:—

(1) Names of American steamship companies which are desirous of entering into the specific through goods traffic arrangement with this Company.

(2) What classes of steamers will be used, and on what schedule these steamers will be run to engage in the specific through goods traffic arrangement?

(3) Chief articles of specific through goods to be carried by these steamers.

(4) Ports of call for these steamers, if any.

(5) Information on other matters which are to form the contents of the agreement in view.

We are sorry to trouble you with all these questions, but as a matter of fact information on all these questions is considered by us as essential in drawing up the draft agreement, etc., in question.

Thanking you [etc.]

Y. KUBO, *Secretary.*

[Subinclosure 3.]

Consul Williamson to Mr. Kubo.

AMERICAN CONSULATE,
Dairen, May 19, 1915.

DEAR MR. KUBO: I beg to acknowledge, with thanks, the receipt of your letter of yesterday's date in reply to mine of the 5th. I note the reasons why a change in the form of agreement is deemed necessary, and thank you for the trouble you have taken in making the explanation.

You also state that certain information is desired relative to the American firms desirous of entering into an agreement, contemplated ports of call, cargoes, etc., under 5 heads.

In reply, I beg to state that as the desirability or not of entering into an agreement with your company depends a great deal upon the nature of the agreement, none of the American shipping firms yet wishes to have its name mentioned in connection therewith; at the same time, all are desirous of learning the requirements and of securing a sample copy of an agreement form. I refer more particularly to Pacific Coast companies, although if anything comes of this matter and it appears that trade can be worked up, it is very likely that trade with the Atlantic and Gulf ports would also be interested, now that the Panama Canal is open. Indeed, the all-water route to Chicago has possibilities in this connection.

Hence, with the best desire to help you in every way I can, I am unable to give you specific information on the points mentioned in your letter. I may say, however, that other China Coast ports would probably be included in the voyages of these vessels, such as Tientsin, Tsingtau (Seitou), Lungkou or Chefoo, etc.

Perhaps, if you will send me a blank form of agreement for use with Japanese steamship companies, we might be able to make such alterations as would meet the difficulties you have encountered and thus simplify matters.

A. A. WILLIAMSON.

[Subinclosure 4.]

Mr. Kubo to Consul Williamson.

DAIREN, *June 5, 1915.*

DEAR SIR: I beg to acknowledge the receipt of your letter dated May 19.

I note from your letter that none of the American Shipping firms yet wishes to have its name mentioned in connection with the subject of the specific through goods under notice and also that you are unable to favor us with specific information on the points mentioned in my previous letter dated May 18.

In this connection we beg to remind you that, in your first letter addressed to me dated February 12 last, you stated that you were then making arrangements with an American steamship company to make Dairen a port of call; and also that, in your second letter, addressed to Baron Nakamura, our President, you hinted at your intention to transmit such information on the subject as you might obtain from us to the American steamship company at San Francisco at present contemplating opening a line to Dairen.

As stated in my last letter, the differences that exist in the practices re the transportation business in vogue in the United States and Japan, the dissimilarity in the currency systems of both countries, etc., make up circumstances which render a literal translation of the existing agreement in operation between this Company and the Japanese shiping companies concerned not exactly applicable to the case under discussion.

Since we have failed to obtain the desired data from you, we have pleasure in submitting to the consideration of yourself and the parties directly interested in the matter the chief items of the proposed agreement as hereafter mentioned, in addition to a Japanese copy of the existing agreement with the Japanese steamship companies, as requested by your good self:

(1) The transportation zones shall be between the American coast ports and points on the South Manchuria Railway via Dairen, the through traffic stations to be left to mutual agreement separately.

(2) The American steamship companies which are to be parties to the agreement under consideration shall open and maintain a direct regular steamship route between the United States and the port of Dairen. How often the service shall be operated shall be fixed by agreement.

(3) The American steamship companies shall keep each an agency or an agent at Dairen to look after the general business related to the specific through goods traffic.

(4) Each contracting party shall have its responsibility limited to within the railway and/or steamship routes under its own control, that is to say, neither side shall be held responsible for aught conjointly with the other side.

(5) The specific through freights shall be the sums of the stipulated tariffs of the railway company and the steamship company. The exchange rate for each other's currency shall be fixed separately by agreement.

(6) The conditions to be included in the through bill of lading, together with its form, shall be fixed by agreement.

(7) Any disputes that may arise between the contracting parties shall be dealt with by arbitration.

(8) Matters other than above mentioned shall be determined by agreement.

We are inclined to think that the above will be found sufficient as the basis on which the new agreement under contemplation may be framed, and in submitting the same to you we hope that you will be so good as to exercise your influence to ask the American steamship companies that may be interested in the matter to draw up a draft agreement for us to consider with them, as mentioned in my letter dated May 4, on condition that the same take effect subject to the sanction of the Imperial Japanese Government.

Hoping that we shall hear favorably from you this time,

Y. KUBO.

[Translation of inclosure with the above.]

Contract between the South Manchuria Railway Company and Japanese steamship companies for through goods traffic.

Article I. The articles to be handled and the districts of origin and/or destination for this traffic shall be determined by special agreement.

Article II. Through goods shall invariably be delivered and received at the Dairen wharves.

Article III. With regard to damage to through goods, when it cannot be determined which party is to blame therefor, both shall bear the loss (indemnity), each in proportion to the freight received by it for carrying the goods.

Article IV. The party with which the cargo originates shall, by the end of each month, make a report for the preceding month to the party delivering the goods, allotting and setting the account.

Article V. Should either party desire to examine the books of the other party at any time, such books must be thrown open for examination as requested.

Article VI. Freight and other charges on through goods shall be made in accordance with the rates made by each party, and shall be added and collected together.

Article VII. Customs formalities at Dairen on through goods shall be performed and duty and other charges paid, in the case of exportation, by the Japanese steamship company; and in the case of importation, by the South Manchuria Railway Co., each for the other.

Article VIII. Special arrangements shall be made regarding processes for putting in operation this contract, and with regard to shipping documents, bills of lading, etc., for through goods.

Article IX. This contract may be abrogated by either party on 60 days' notice.

N. B.—In addition there is a supplementary agreement, containing articles which the contract stipulates are to be specially arranged, as well as detailed rules of procedure.

Furthermore, the three following conditions are contained in the Japanese steamship companies' through bills of lading, which are specially agreed to by shippers in regard to transportation:

1. Although claims arising from transportation can be collected and the diversion of securities and rights may be made by one company as representative of the other, yet each will take charge of transportation over its own lines independently and make itself responsible therefor.

2. The responsibility of a company which has engaged in transportation ceases as soon as its business is handed over to a successor. In regard to this, the right to demand freight or other rights arising from transportation are not affected, whatever circumstance may occur even before transportation be completed.

3. This transportation contract is subject to Japanese law.

[Subinclosure 5.]

Consul Williamson to Mr. Kubo.

AMERICAN CONSULATE,
Dairen, Manchuria, June 7, 1915.

DEAR MR. KUBO: I beg to acknowledge the receipt of your letter of the 5th instant, with inclosure.

In reply, I beg to say that certain new shipping laws, which have not yet gone into effect, have caused American steamship owners to give considerable thought to the future. I refer to the new Seamen's Laws, or the La Follette Bill, which was made law by the American Congress. This has upset all previous calculations and left plans for the future uncertain.

Without admitting in any way the necessity, from my point of view, of an agreement with your company, I simply wish to assure you of my desire, by this correspondence, to discount future difficulties by doing everything I can to keep active the equal-opportunities principle by securing equal treatment for American ships with Japanese vessels, before possible definite cases can occur.

I thank you for your courtesy, and beg to remain dear Mr. Kubo,

Very respectfully yours,

A. A. WILLIAMSON.

File No. 893.773/44.

Ambassador Guthrie to the Secretary of State.

No. 378.] AMERICAN EMBASSY,
Tokyo, November 4, 1915.

SIR: The Embassy's despatch No. 298 [296] of June 9 last, on the subject of apparent discrimination in the freight rates on the South Manchuria Railway, transmitted copies of correspondence between Mr. Wheeler and the Vice Minister for Foreign Affairs concerning a "draft contract" which the latter stated was being framed by the railway authorities at Dairen.

The Embassy's unnumbered despatch of June 23 transmitted a copy of a letter from the Consul at that port, carrying as enclosures copies of correspondence between himself and the President and Secretary of the Railway Company.

I am now in receipt of a note from the Foreign Office, a copy of which is attached, informing me that the authorities have seen in Mr. Williamson's letter to Mr. Kubo (included in the enclosure next above referred to) a reason for the discontinuance of the negotiations.

Under the circumstances, as there is no American steamship line touching at Dairen at present, I have not considered the matter urgent; but I should like to know what the wishes of the Department are in the premises.

I have [etc.]

GEO. W. GUTHRIE.

[Inclosure—Translation.]

Baron Ishii to Ambassador Guthrie.

No. 267.] FOREIGN OFFICE,
Tokio, October 29, 1915.

MONSIEUR L'AMBASSADEUR: In reference to the inquiry made by Mr. Post Wheeler in a letter dated the 6th ultimo to Mr. Matsui, respecting the reduction of rates on the South Manchuria Railway, I have the honor to inform your excellency that the matter having at the time been referred to the Imperial Railway Board, I am now in receipt of a reply therefrom that the Board has been informed by the South Manchuria Railway Company in reply to an inquiry regarding the later progress of the matter in question that as no proposals have been made to it since the receipt of the letter dated the 7th June last from the American Consul at Dairen, the Company believed that the negotiations on the matter had, as stated in the letter just referred to, been suspended for some reason on the part of the American steamship companies.

I avail [etc.]

BARON KIKUJIRO ISHII.

93072°—FR 1915——40

LIBERIA.

MESSAGE OF THE PRESIDENT, DANIEL E. HOWARD, TO THE LEGISLATURE.

File No. 882.032/15.

Chargé Bundy to the Secretary of State.

[Extract.]

No. 151.] AMERICAN LEGATION,
Monrovia, December 17, 1915.

SIR: I have the honor to report for the information of the Department that the Legislature of Liberia met for its regular annual session on Dec. 6, 1915. The President delivered his message on Dec. 15, 1915. * * * A copy of the message is herewith enclosed.

I have [etc.]

RICHARD C. BUNDY.

[Inclosure—Extracts.]

For several years past a state of unrest has characterized the Kru coast in Sinoe County, occasionally manifesting itself in sporadic outbreaks. In September of the present year, taking as a pretext the rumor that the Government intended to send tax collectors among them, they commenced hostilities by blockading with war canoes the port of Greenville and firing upon the town, by seizing and robbing the boats of peaceful foreigners trading on the coast, by capturing and destroying mails despatched to Sinoe and Cape Palmas in open boats, by threatening and ill-treating missionaries and their dependents, and by setting up a farcical government with all the appurtenances of cabinet officials. As soon as your Executive heard of the first of these movements, we despatched messengers to the chiefs of the several communities reported to be involved, but without results.

With a sincere desire to exhaust every reasonable resource to settle this trouble by peaceful means, our situation was made fully known to the Government of the United States coupled with a request that a war vessel be despatched to Liberian waters, the commander of which might act as an impartial mediator. Further, a special commission was appointed to investigate and settle peacefully the questions between the Krus and the Government. That commission was composed of the following gentlemen: Honorable B. W. Payne, Secretary of Education, a native Liberian of the Bassa tribe; Reed Paige Clark, Esq., a citizen of the United States and General Receiver of Customs; Mr. B. J. Davis, Governor of Monrovia Krutown, a native Liberian of the Kru tribe; and Mr. J. F. Cooper, Commissioner of Internal Revenue. Your Executive felt assured that with a commission so composed, any real grievance which might be brought before it by the Krus would have sympathetic hearing and investigation, and any wrong proved, redressed.

The United States Cruiser *Chester* arrived at Monrovia on the 8th of November, and proceeded the next day to Sinoe with the above commission on board. The good offices of Captain Schofield of the *Chester* had been requested in the attempt to adjust these difficulties, and I may state that he was most painstaking and persevering and did everything in his power to bring about a settlement.

The efforts of the commission have so far proved of no avail in achieving peaceful conditions, notwithstanding the fact that every just and honorable

overture was made the Krus to accomplish the end of the Government without bloodshed. These were all scorned; the Krus wanted to fight; the Government was challenged in a noisy and insolent manner by a show of their war power. In view of the efforts which have so often been made to impress the world with the idea that Liberia is disposed and takes every opportunity to ill-treat and oppress the native population, the commission has been able to produce this good effect, namely: that the citizens of the United States who acted in connection with the commission, and other foreign residents, are now satisfied, or should be, that the Krus have no real grievances, that this revolt was initiated for the purpose of subverting, if possible, the Government of Liberia, and that it is not without foreign sympathy and encouragement.

I feel that your Honorable Body will share the sincere disappointment caused by the departure of Major Charles Young, Military Attaché of the American Legation, who has rendered such unselfish and constructive service in his capacity as Military Adviser to the War Department. Major Young has worked with unflagging zeal to assist in the bringing of the Frontier Force up to a remarkable state of efficiency and system, in the rehabilitation of the Militia and along other lines converging towards the perfection point of the defensive arm of the State. The counsel and cooperation of a man representing as much optimistic energy and work as Major Young does, will most assuredly be missed.

POLITICAL AFFAIRS. UPRISINGS OF NATIVE TRIBES. ASSISTANCE RENDERED BY THE UNITED STATES.

File No. 882.00/496.

Chargé Bundy to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Monrovia, September 28, 1915.

Kru tribes, Sinoe County coast, in rebellion against Government. Port of Sinoe in state of siege. Customs under fire. All trade and mails stopped. Three customs officials reported killed. Lives of foreign residents including white American missionaries endangered. British Bank asks protection funds. Disaffection all coast Krus imminent unless present uprising immediately suppressed. Militia defending Sinoe must be relieved. Frontier Force total six hundred men inadequate and mostly stationed strategic points boundaries. Of these not over two hundred men can be concentrated in three weeks at Monrovia. No transport to Sinoe. Frontier Force equipped German guns. Ammunition insufficient for campaign. Liverpool exporters have notified Liberian customers that British Government has forbidden shipment any cargo to Liberia and that all sailings have been canceled. Intervention is feared resulting in subversion of American programme. In view all foregoing, situation regarded most critical. Liberian Government appeals to Legation to request the Government of the United States to send war vessel immediately to lend moral support in relieving situation. Military Attaché and General Receiver join Legation in urging compliance with this request if any way possible. Doubt reliability cable service. Acknowledgment necessary.

BUNDY.

File No. 882.00/496.

The Acting Secretary of State to the President.

DEPARTMENT OF STATE,
Washington, September 30, 1915.

SIR: I beg to enclose a copy of a telegram which we have just received from Monrovia, in which the Liberian Government appeals to the Government of the United States to send a war vessel immediately to lend moral support in relieving the present situation. The American Military Attaché and the General Receiver of Customs in Liberia join with our Legation in urging compliance with this request of the Liberian Government.

A few days ago we received a cable from Mr. Morgenthau in Constantinople requesting that the U. S. S. *Chester* be withdrawn from Turkish waters. The Navy Department advises me that in these circumstances it will be practicable and entirely convenient for the *Chester* to be despatched immediately to Liberia. I am personally inclined to recommend that the *Chester* be ordered to Liberian waters, but I should be grateful if you kindly indicate whether you approve of this course before a formal request is made of the Navy Department.

With assurances [etc.]

FRANK L. POLK.

File No. 882.00/525.

The President to the Acting Secretary of State.

WHITE HOUSE,
Washington, October 1, 1915.

MY DEAR MR. POLK: I think that the *Chester* ought by all means to be sent.

Faithfully yours,

W. W.
[WOODROW WILSON]

File No. 882.00/496.

The Secretary of State to Chargé Bundy.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 4, 1915.

Your September 28. United States Cruiser *Chester*, at present in Turkish waters, will proceed immediately Monrovia, arriving about November 1.

LANSING.

File No. 882.00/496.

The Secretary of State to the British Ambassador.[1]

DEPARTMENT OF STATE,
Washington, October 7, 1915.

SIR: The Department has recently received cable reports from Monrovia showing that the Kru tribes on the Sinoe County coast are in

[1] The same to the French Ambassador.

rebellion against the Government; that the port of Sinoe is in a state of siege; and that the customs are under fire; and it is evident that the lives of foreign residents may become endangered.

The Liberian Government has requested this Government to send a war vessel to Liberia to lend moral support in relieving the present situation, and accordingly instructions have been sent to the Commander of the U. S. S. *Chester*, now in Turkish waters, to proceed at once to Monrovia. The arrival of the *Chester* at Monrovia is expected about November 1.

I am [etc.]

ROBERT LANSING.

File No. 882.00/508.

Chargé Bundy to the Secretary of State.

[Extract.]

No. 126.] AMERICAN LEGATION,
Monrovia, October 14, 1915.

SIR: Upon receipt of the Department's cable of Oct. 4, 5 p. m., informing the Legation that the United States Cruiser *Chester* would arrive at Monrovia on or about Nov. 1, 1915, I acquainted the Liberian Government with this information in a note to the Secretary of State.

On October 12, the Secretary of State replied on behalf of the President expressing his sincerest thanks and most grateful appreciation for the prompt response to Liberia's appeal for aid in dealing with the difficulties which at present confront the Republic.

Although the *Chester* has not yet arrived, her expected visit has gone a long way toward relieving the strain under which the Government has been laboring for the past few months in its endeavor to preserve the neutrality it proclaimed at the beginning of the war in Europe. It is generally felt in Government circles that the presence in Liberian waters of an American warship will have great value in relieving the tense situation that has been created by the unfriendly attitude of certain foreign elements as well as by the disorders on the Kru coast.

I have [etc.]

RICHARD C. BUNDY.

File No. 882.00/498.

Chargé Bundy to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, October 19, 1915.

The British *Highflyer* arrived Monrovia yesterday. Informed that Commander states to President he was ordered here by British Government to offer Liberian Government assistance in Kru disturbances until arrival *Chester*. Liberian Government, having appealed to the Government of the United States for aid, prefers not to avail itself of British assistance except so advised by the Government of the United States. Disturbances unabated but measures al-

ready taken deemed sufficient to hold situation until *Chester* arrives November 1. Liberian Government awaits Department's advice before answering Commander.

BUNDY.

File No. 882.00/498.

The Secretary of State to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 20, 1915.

2312. Legation, Monrovia, advises that British cruiser *Highflyer* arrived Monrovia October 18. Commander informs President of Liberia that he was ordered there to offer assistance in quelling uprising of native Krus until arrival of American naval steamship *Chester* due about November 1. Department informed measures already adopted deemed sufficient to hold disturbances in check until arrival *Chester* and Liberian Government, while deeply appreciative courteous offer, feels that its position of neutrality would be violated by *Highflyer* remaining in Liberian water more than twenty-four hours. Take case up immediately with British Government. Cable reply. Department has communicated orally with British Embassy here.

LANSING.

File No. 882.00/500.

Ambassador Page to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
London, October 21, 1915.

3070. Your 2312, October 20. The British Government has telegraphed its Consul General at Monrovia to instruct the commander of the *Highflyer* to depart immediately unless disorder demands its presence.

AMERICAN AMBASSADOR.

File No. 882.00/499.

Chargé Bundy to the Secretary of State.

[Telegram.]

AMERICAN LEGATION.
Monrovia, October 21, 1915.

Legation's October 19. British cruiser left here yesterday. British Consul General informs Liberian Government that cruiser was ordered to sea immediately by the Admiralty.

BUNDY.

File No. 882.00/499.

The Secretary of State to Ambassador Page.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 21, 1915.

2320. Legation Monrovia reports *Highflyer* put to sea October 20. Take no further action with British Government.

LANSING.

File No. 882.00/504.

Chargé Bundy to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, November 9, 1915.

Chester arrived Monrovia yesterday.

BUNDY.

File No. 882.00/512.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 20, 1915.

SIR: In compliance with the request of your Department the U. S. S. *Chester* was sent to Monrovia, and arrived there on November 8, 1915. It is desired that the *Chester* may be available for duty in Haitian waters as soon as possible.

I have the honor to request that you inform this Department whether or not the services of the *Chester* are any longer required at Monrovia.

JOSEPHUS DANIELS.

File No. 882.00/513.

Chargé Bundy to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Monrovia, November 23, 1915.

Chester with Government's commission of inquiry, of which General Receiver is a member, has been at Sinoe since November 10. Commander wires me today that tribes refuse peace and fighting is beginning.

BUNDY.

File No. 882.00/515.

AMERICAN LEGATION,
Monrovia, November 28, 1915.

Chester here. The port of Sinoe opened after fight. Twenty natives and two soldiers killed. Campaign against rebellious tribes proceeding.

BUNDY.

File No. 882.00/512.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, November 29, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of November 20, 1915, informing the Department of the arrival of the U. S. S. *Chester* at Monrovia on November 8 last, and requesting to be informed when the services of the cruiser will be no longer required in Liberian waters, as it is desired that the vessel proceed to Haiti at as early a date as possible.

In reply I beg to say that a telegram has been received from the American Chargé d'Affaires at the Liberian capital, reporting the arrival of the *Chester* with the Government's commission of inquiry at Sinoe on the 10th of November, and stating that the Kru tribes refuse peace negotiations and that warfare is beginning. In view of this regrettable situation it is most earnestly desired that the *Chester* be permitted to remain in Liberian waters until the disturbances subside and the lives of foreigners in the Republic are no longer in danger.

I have [etc.]

ROBERT LANSING.

File No. 882.242.

Chargé Bundy to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia, December 1, 1915.

Liberian Government unable to obtain ammunition for German guns with which Frontier Force equipped; only 100,000 rounds on hand. Estimated three months campaign necessary to restore order Kru coast. In view of foregoing Liberian Government requests Legation to ascertain whether the United States Government will lend it 500 Krag carbines and 250,000 rounds ammunition for same. Commander *Chester* favors Government making this request.

BUNDY.

File No. 882.00/519.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, December 8, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of November 29, in which you request that the U. S. S. *Chester* be permitted to remain in Liberian waters until the disturbances subside, and the lives of foreigners in the Republic are no longer in danger.

The commanding officer of the *Chester* has informed the Department that he is of the opinion that the retention of the *Chester* in Liberian waters until January 1, 1916, is desirable, and it is the

intention of the Department to keep that vessel on her present duty until that date, unless unforeseen conditions should require a change in the plans.

W. S. BENSON.

File No. 882.00/526.

Chargé Bundy to the Secretary of State.

No. 152.] AMERICAN LEGATION,
Monrovia, December 18, 1915.

SIR: I have the honor to report for the information of the Department that the *Chester* left Monrovia on December 6, 1915, for Freetown, Sierra Leone, to secure coal and provisions. She was gone eight days and returned to Monrovia on the morning of December 14, 1915.

The next day, December 15, there was a conference at the Legation at which President Howard, the Secretary of State, Captain Schofield, and myself were present.

The situation on the Kru coast was discussed at length and it was decided that the *Chester* would proceed to the disaffected area again and lend whatever moral assistance was possible in the circumstances.

On December 16 the *Chester* sailed for Sinoe. She transported fifty more frontier soldiers as reenforcements to the troops already on the Kru coast. One hundred men were desired to augment the force on the coast, but fifty were all that could be reenlisted, up to the time the *Chester* sailed. Recruiting will continue, I am informed, until fifty more are obtained. With the despatch of these to the coast the Government will have about three hundred and fifty soldiers at the scene of disorder. It is not unlikely that this number will have to be still further increased before the uprising can be put down.

The General Receiver is anxious to keep the Frontier Force down to the smallest number that will permit it to effectively cope with present conditions in the country because its maintenance is a heavy charge on the uncertain revenues of the Republic. He assures me, however, that he expects to see the Kru campaign through to the end since he has satisfied himself that their rebellion against the Liberian Government is not based on substantial grounds. The Krus have some grievances, the General Receiver thinks, that are well founded, to which the Government ought to pay attention. But nothing has come to light of a serious nature to justify their taking up arms and organizing a widespread revolt in the present instance.

As previously reported the Krus have persistently sought the aid of the British in their rebellion against the Liberian Government, and confidently expected to receive it. On November 13, 1915, nine of the disaffected chiefs addressed a letter to the British Consul General at Monrovia, earnestly begging him for his assistance and that of the British Government.

It is stated in this letter that the *Chester* aided the Liberians "with his cutter and use machine-guns on us who have nothing in the way of arms." Of course there is no truth whatever in the

statement that the *Chester* used machine-guns on them. When the actual fighting took place at Sinoe I am informed that the *Chester* was not even there but had moved on down the coast.

The British Consul General replied to the Kru chiefs through the Liberian Government on December 11, 1915 (see enclosure). It will be observed that this is a strong letter and should go a long way toward correcting any misconceptions, however acquired, that may have lodged in the minds of the rebel chiefs. The letter of the British Consul General was given by the Liberian Government to Captain Schofield to be read and delivered in person to the Kru chiefs.

From a wireless message through the *Chester* to Conakry and from there cabled to Monrovia, December 19, President Howard was advised that Bluebarra, the point dominating the port of Sinoe, was again attacked by the Krus on December 17, 1915, but the attacking party was driven off. One frontier soldier reported killed. This message also stated that Major York and one hundred and sixty men left Sinoe on December 11, presumably to push the campaign against the Krus at other points on the coast. The removing of this one hundred and sixty men from Sinoe so weakened the garrison there that the Krus apparently thought it an opportune moment to attack Bluebarra again. The *Chester* arrived at Sinoe the same day of this last attack, December 17, with the fifty men before mentioned and these will doubtless strengthen the Government forces at Bluebarra sufficiently to prevent any more assaults at this point by the Krus.

The question of ammunition is still a grave matter for the Government, and it is looking forward anxiously to a reply from the Department to the Legation's cable of December 1, sent to ascertain whether the Government of the United States would lend Liberia 500 Krag carbines and 250,000 rounds of ammunition for them. Captain Schofield stated to me, at the time of his leaving Monrovia for Sinoe, December 16, that if he found conditions on the Kru coast were sufficiently grave he might feel called upon to take up this matter directly with the Navy Department before returning to Monrovia.

I have [etc.]

RICHARD C. BUNDY.

[Inclosure 1.]

The British Consul General to the Kru Chiefs.

BRITISH CONSULATE GENERAL,
Monrovia, December 11, 1915.

To the Kru Chiefs of Fishtown, Grand Nefoo, Barto, Warpe, Settra Kru, Blue Barrow, Booter Sanguin, and Rock Cess:

I have received your letter of the 13th November. You have been told by me before, and also by Mr. Parks, to live peacefully and do your duty to the Liberian Government whose subjects you are. You have been told that the Liberian Government wish to do what is right by you, and I have told you that when trouble or misunderstanding came you should come to Monrovia quietly and respectfully and ask the Liberian Government to put things right for you and that they would do it. Instead of that you have foolishly and wickedly begun to fight the Liberian Government, and have used the British flag, which you have no right to use,

to deceive other people into the belief that you are British subjects, and have no claims upon the British Government for protection or anything else.

I now tell you one and all that if you want the British Government to think well of you, you must never again use the British flag; you must give up fighting with the Liberian Government, make your submission, and repair all damage you have done. It is no use writing letters to me and I will receive no more letters from you nor will I give you any more advice since you do not follow it when you receive it.

R. C. F. MAUGHAM.

FINANCIAL AFFAIRS.[2]

File No. 882.51/638.

Minister Buckner to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Monrovia; (not dated; received January 2, 1915.)

Clark can shortly transmit November interest. American officers and Frontier Force unpaid three months. By adherence article 4, loan agreement, impossible pay their arrears or future maintenance; disintegration force certain if unpaid. Will bankers authorize payment minimum Frontier Force charges prior to interest?

BUCKNER.

File No. 882.51/638.

The Secretary of State to Messrs. Kuhn, Loeb and Company.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 6, 1915.

A telegram has been received from the American Minister at Monrovia as follows:

[Foregoing telegram.]

While the Department appreciates the importance of adhering to the loan agreement by the contracting parties thereto, it is to be noted that for the proper collection of the Liberian customs the maintenance of an adequate frontier force is most necessary, and the Department would be pleased to know if in view of the serious and lamentable situation brought about in Liberia on account of the European war, the payment of a minimum Frontier Force could be chargeable before the payment of interest.

With your familiarity with the steps this Government has taken in assisting the Government of Liberia in the work of arranging for the new loan, you will readily appreciate the gratification which would be felt could the bankers arrange in any way to lessen the dilemma which now confronts the Republic.

W. J. BRYAN.

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[2] Continued from For. Rel. 1914, pp. 440–442.

File No. 882.51/639.

Messrs. Kuhn, Loeb and Company to the Secretary of State.

[Telegram.]

NEW YORK, *January 6, 1915.*

We have the honor to acknowledge receipt of your telegram in reference to Liberia and we shall at once take up the question which you bring to our attention with the fiscal agency and the attorneys and advise you as promptly as possible.

KUHN, LOEB AND COMPANY.

File No. 882.51/639.

The Secretary of State to Messrs. Kuhn, Loeb and Company.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 20, 1915.

Referring to Department's January 6 and your reply same date. It is hoped that fiscal agents and attorneys have reached agreement about payment Liberian interest, and that Department may soon be able to reply to telegram received from American Minister Monrovia.

BRYAN.

File No. 882.51/641.

Messrs. Kuhn, Loeb and Company to the Secretary of State.

[Telegram.]

NEW YORK, *January 21, 1915.*

We have the honor to acknowledge receipt of your telegram and we have again communicated with the National City Bank, the fiscal agents for the Liberian loan, who inform us that they have taken up this question with their attorneys, Messrs. Sherman and Sterling, who will communicate direct with your Department.

KUHN, LOEB AND COMPANY.

File No. 882.51/638.

The Secretary of State to Minister Buckner.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 23, 1915.

Your January 2. Mr. Farnham, National City Bank, informs Department that article 4, loan agreement, bottom page 8, and same article bottom page 12, application assigned revenues, would give Clark authority to pay from customs collections back pay and necessary running expenses armed guard.

BRYAN.

File No. 882.51/642.

The General Receiver to the Secretary of State.

[Telegram.]

MONROVIA; (*undated; received January 25, 1915.*)

Department's January 23. Is term "armed guard" intended to include frontier police force? Article 4, section C, no separate customs guard hitherto created. Receivership must abandon American officers and frontier force unless specific authority be given to maintain organization as charge prior to interest. Government unable to provide any funds. Force must be maintained to prevent internal disorders and international complications.

CLARK.
LANGE.

File No. 882.51/676.

The Secretary of State to Minister Buckner.

DEPARTMENT OF STATE,
Washington, January 26, 1915.

26. Clark's January 25. Yes, bankers consider that maintenance police force essential to proper collection customs, and that article 4, agreement, gives authority to pay force as one of first liens against assigned revenues.

BRYAN.

File No. 882.51/646.

Minister Buckner to the Secretary of State.

[Extract.]

No. 91.] AMERICAN LEGATION,
Monrovia, March 19, 1915.

SIR: For the information of the Department I have the honor to transmit herewith a copy of a letter from Mr. Reed Paige Clark, General Receiver, concerning a loan to the Liberian Government by the Excelsior Mining Co.

I have [etc.]

GEO. W. BUCKNER.

[Inclosure.]

The General Receiver to Minister Buckner.

MONROVIA, *March 18, 1915.*

SIR: For the information of the Department of State, I would say that some time ago the Excelsior Mining Co. Ltd., a Liberian company financed by British capital, of which Chief Justice Dossen appears to be the Liberian attorney, deposited with the Liberian Government as an evidence of good faith some $8,000 in coin. I am informed unofficially that this sum has been borrowed by the Liberian Government for the purpose of paying certain Government officials. I have in fact personally seen a letter from His Excellency the President in which the President states that this loan has been made. I am further informed that Mr. Justice Dossen gave oral consent to the loan, there being nc

written document to show that the capitalists behind the Excelsior Mining Co. assent to the expenditure of their deposit. The deposit, as I have said, was made as an evidence of good faith, to be returned to the company if work is commenced on their concession within the time limit set. It is to [be] forfeited to the Liberian Government, I am told, only in the event that the company fail to commence operations within the time limit, three years after the conclusion of the European war.

The Financial Adviser was at no time advised of the Government's intention to make this loan from the Excelsior Mining Co., and has had no opportunity to protest against what appears to be (apart from other considerations) a wholly unauthorized charge against future revenue.

Your [etc.]

REED PAIGE CLARK.

File No. 882.51/646.

The Secretary of State to Chargé Bundy.

No. 23.] DEPARTMENT OF STATE,
Washington, May 7, 1915.

SIR: The Department has received the Legation's No. 91, of March 19, enclosing copy of a note addressed to the Minister by the General Receiver of Customs, relative to the action of the Liberian Government in borrowing $8,000 from the Excelsior Mining Company, Ltd.

If, after consultation with Mr. Clark, it would seem expedient officially to take up the question of this loan with the Government of Liberia, the Minister for Foreign Affairs should clearly understand that the United States has no wish or intention to interfere with the operations of the Government of Liberia.

You may then, in a most careful and discreet manner, intimate that in view of what this Government has done in assisting Liberia to rehabilitate its finances and to place itself on a sound basis, enabling the country to maintain a position of importance and respect among foreign powers, it would be most natural to expect that under Section 4 (d) of the loan agreement the General Receiver of Customs would have been consulted before negotiating the loan.

And you may say further, that if the Liberian Government continues to make such unauthorized charges against the revenues of the country, it cannot expect the cordial support it has heretofore received from the bankers or the confidence of this Government.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 882.51/651.

Chargé Bundy to the Secretary of State.

[Extract.]

No. 95.] AMERICAN LEGATION,
Monrovia, May 11, 1915.

SIR: For the information of the Department I have the honor to make the following report with respect to financial conditions in Liberia and certain emergency legislation remedial in nature passed at the extra session of the Legislature in March last called by the President for that purpose. * * *

It will be perfectly evident from an inspection of the figures representing the receipts for the war period that only the most rigid economy and careful management could meet administration and collection charges, pay interest and sinking fund as promptly as possible, and provide funds sufficient for the upkeep of a frontier force of approximately 600 men. This latter charge was not however assumed by the Receivership until after the bankers had declared it to be their understanding that the Frontier Force constituted one of the first liens against the assigned revenues. The interpretation put on Article 4 by the bankers respecting the Frontier Force must be regarded as a most salutary action and prevented what might easily have been a real calamity to the country. For the Receivership had definitely decided that it did not have the power under the loan agreement, by any interpretation it was privileged to make, to provide funds for the maintenance of the Frontier Force so long as interest was in arrears. * * *

Great credit should be given the Receivership for the economy and skill with which the funds collected by its [omission] have been managed since the war began. When it was apparent that there would be a great reduction in receipts the Receivership on its own initiative pruned the personnel of the customs service to such an extent that only those were retained who were indispensable to the conduct of business reasonably to be expected. Under ordinary conditions the monthly expenses for cost of collection, administration, and application of the assigned revenues were approximately $7,291. The Receivership is now paying against these charges about $4,227 per month. Some arrears are therefore necessarily accumulating under these heads. * * *

While the Receivership early in the war period released all employees it could do without, the Government made no move in this direction. And a full civil list has been carried right along although it was evident there was but very little money with which to pay public employees. In normal times the civil list is much too large and now, when the Government's business is greatly reduced due to the war, even greater reductions in the number of Government employees could be made without in the least degree impairing the public service. At the same time the accumulation of large arrears would be prevented. This question never claimed the serious attention of the Government until March at the special session of the Legislature. * * *

The Government is undoubtedly very hard pressed. How far it can drag along, in its present manner of going, drawing behind it a burden that increases rapidly as the weeks go by, is an indeterminate question.

In conclusion I feel that I can not omit to emphasize the fact that the present financial condition of Liberia is due entirely to the lack of ships to carry away her produce and bring in the goods required. Relief to this country could take no better form than a line of direct American steamers calling at Liberian ports.

I have [etc.]

RICHARD C. BUNDY.

File No. 882.51/653.

Chargé Bundy to the Secretary of State.

[Extract.]

No. 104.] AMERICAN LEGATION,
Monrovia, July 13, 1915.

SIR: In My No. 95 of May 11, 1915, I had the honor to report somewhat at length concerning financial conditions in Liberia. * * *

I now have much satisfaction in informing the Department that the General Receiver has advised me that since the date of the above report interest payments have been made as follows:

February interest paid May 14, 1915; March interest paid May 24, 1915; April and May interest paid June 18, 1915 (by cable); June interest paid July 7, 1915. At this time, therefore, there are no arrears of interest and I am informed that the outlook is sufficiently favorable to warrant the anticipation that interest for July and perhaps August will be met promptly as it falls due.

The Receivership has not been able to give the Government anything on account of residue, but the General Receiver is of the opinion that the emergency tax levied on all imports should have put into the Treasury on an average of approximately $4,000 per month for the past three months. From these facts it can be gleaned, therefore, that present financial conditions in the Republic, while still far from what is desirable, are very much better than they were three or four months ago. Accordingly more hopeful views are held both by the Government and the Receivership concerning the finances of the country in the immediate future.

I have [etc.]

RICHARD C. BUNDY.

File No. 882.51/680.

Chargé Bundy to the Secretary of State.

[Extract.]

No. 136.] AMERICAN LEGATION,
Monrovia, November 8, 1915.

SIR: I have the honor to report for the information of the Department that the Liberian Government has concluded and signed on October 29, 1915, an agreement with the Bank of British West Africa, Limited, which provides that all moneys collected by and/or paid to the Government, including taxes, fines, licenses, surtax on import duties, residue of revenue received from customs receivership, and in fact, all revenue of whatsoever nature, excepting postal revenue, accruing, or that may hereafter accrue to the Government shall be paid into the bank at its nearest branch or agency and there be placed to the credit of an account in the name of the Liberian Government.

The conclusion of this agreement is regarded as a most important step in the efforts that are being made to bring about reforms in the internal finances of the Republic. The agreement has the sanction and approval of the Financial Adviser. In fact, I understand, that

he was freely consulted about its terms and provisions. Personally I expect material benefits to come to the Republic as a result of an effective operation of this agreement. A verbatim copy of the agreement is herewith enclosed.

I have, [etc.]

RICHARD C. BUNDY.

[Enclosure.]

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF LIBERIA AND THE BANK OF BRITISH WEST AFRICA LIMITED.

An agreement entered into this 29th day of October, one thousand nine hundred and fifteen between the Government of the Republic of Liberia (hereinafter styled "the Government") of the first part and the Bank of British West Africa Limited (hereinafter styled "the Bank") of the second part.

1. NOW IT IS HEREBY AGREED that from and after the 1st day of November one thousand nine hundred and fifteen all moneys collected by and/or paid to the Government, including, taxes, fines, licences, surtax on import duties, residue of revenue received from the customs receivership, and in fact all revenue of whatsoever nature accruing or that may hereafter accrue to the Government shall be paid into the Bank at its nearest branch or agency and there placed to the credit of an account in the name of the Liberian Government.

2. Revenues collected in kind, i. e. ivories, horses, cattle, animals of any description, or anything else that may be accepted in lieu of cash, are to be listed on arrival by the sub-treasurer at ports other than Monrovia and in Monrovia by the general treasurer, and one copy of such list shall be furnished to the Bank and one to the Secretary of the Treasury. As and when any or all of these revenues in kind are disposed of, account sales, duly certified shall be furnished to the Bank, and the proceeds of such sales paid into the Bank. Revenue in kind may be disposed of only in one of the following ways (a) sold for cash or (b) debited to the account of a Government officer or employee at an agreed price.

3. Pending further legislation, when an amendment may be added to this clause, all indebtedness certificates received by the Government in payment of those fines and taxes and licences prescribed by law shall be paid into the Bank together with cash collections. No credit, however, will be passed to the credit of the account of the Government in connection with these indebtedness certificates, but they shall be entered in a register to be kept by the Bank, and thereafter cancelled by the Bank, subsequently being handed to the Secretary of the Treasury against his receipt.

4. Liberian silver and copper shall be received from the Government by the Bank, when forming part of the Government revenues at the fixed rate of $4.80 to the pound sterling. At the request of the Bank, however, the Government will take back the whole or any portion desired by the Bank when drawing from its account with the Bank.

5. The account of the Government will be kept at the Monrovia branch of the Bank, and will be operated upon solely by the Secretary of the Treasury. Revenues paid in at branches or agencies other than Monrovia will be transferred by the Bank to Monrovia, and if desired by the Secretary of the Treasury, and provided safe transport facilities be available, will be transferred thence to any branch or agency in Liberia in order to meet the drawings of the Secretary of the Treasury. The Bank will be previously advised of all cheques drawn by the Secretary of the Treasury for payment at branches or agencies other than Monrovia.

6. The Bank will render to the Secretary of the Treasury a quarterly account of the operations of the Bank under this agrement and settlements will be made quarterly. As remuneration for their services under this agreement the Bank will be paid as follows:

For keeping the account of the Liberian Government and for transferring the Government revenues between ports on the Liberian coast as stipulated in Section 5 of this agreement, a commission of three quarters per centum (¾%) upon all moneys paid into the Bank by the Government. This rate applies to all revenues in kind however disposed of.

For keeping a register of indebtedness certificates and cancelling same, a commission of one quarter per centum (¼%) on the face value of all such certificates paid into the Bank.

7. It is distinctly understood and agreed that the Liberian Government during the term of this agreement will confine the whole of the Banking business of the Government except that of the Postal Service to the Bank of British West Africa Limited.

8. If at any time during the term of this agreement the Bank shall be desirous of disposing of the whole or any portion of their business in Liberia this agreement shall thereupon immediately terminate.

9. This agreement shall remain in force for the term of two years certain from the 1st day of November one thousand nine hundred and fifteen, to and including the thirty-first of October one thousand nine hundred and seventeen.

10. This agreement may be amended at any time by mutual consent of the contracting parties hereto.

IN WITNESS whereof we have affixed our hands and seals at the city of Monrovia in the County of Montserrado and Republic of Liberia the day and date first above written.

JOHN L. MORRIS,
Secretary of the Treasury for the Republic of Liberia.
BANK OF BRITISH WEST AFRICA LTD.
By their attorney
R. R. APPELBY.

Witnesses:
REED PAIGE CLARK.
G. HOPE.

File No. 882.51/685.

Chargé Bundy to the Secretary of State.

[Extract.]

No. 153.] AMERICAN LEGATION,
Monrovia, December 20, 1915.

SIR: I have the honor to report for the information of the Department that the Customs Receivership met, as provided in the loan agreement, for its annual session at Monrovia, on December 6, 1915. * * * the British Receiver who was delayed because there were no steamers from his port of residence, at Bassa, to Monrovia. On December 9, however, he arrived and thereafter all members were present at each meeting.

I am informed by the General Receiver that * * * no new budget has been passed since the outbreak of war in Europe; the continuation of the old budget was resorted to last year as the best means to deal with the then existing situation; and, since there has not been any material change in conditions in the last year, the same expedient will doubtless be tried again.

The General Receiver also informs me that interest for the months of October and November has been paid and that there are sufficient funds in hand and in sight to warrant the statement that December interest will be promptly paid when it falls due. This will clear up all arrears of interest and enable the Republic to start the new year with a clean sheet.

The relation between the Receivership and the Government have been quite harmonious during the past year, and there are no questions on the horizon in that quarter at present of sufficient importance to arouse any concern.

After a series of meetings more or less perfunctory the Receivership adjourned December 16, 1915.

I have [etc.]

RICHARD C. BUNDY.

MEXICO.

POLITICAL AFFAIRS[1]—PROVISIONAL PRESIDENCIES OF GUTIERREZ, GARZA AND CHÁZARO. SUCCESSIVE OCCUPATIONS OF THE CAPITAL BY VARIOUS CONVENTIONIST FACTIONS AND CARRANZA. CONDITIONS RESULTING FROM DISORDERS; REPRESENTATIONS MADE BY THE UNITED STATES TO THE VARIOUS CHIEFS AND EFFORTS TO NEUTRALIZE THE CAPITAL AND RAILWAYS. REMOVAL OF CONVENTIONIST GOVERNMENT TO CHIHUAHUA. VILLA'S MANIFESTO. APPEAL AND STATEMENT OF POLICY MADE BY THE PRESIDENT TO THE VARIOUS CHIEFS. CARRANZA'S MANIFESTO. INTERNATIONAL CONFERENCE ON MEXICAN AFFAIRS OF PLENIPOTENTIARIES OF THE UNITED STATES, ARGENTINA, BRAZIL, CHILE, BOLIVIA, URUGUAY AND GUATEMALA. CONFERENCE ATTEMPT TO INDUCE FACTIONS TO AGREE ON PROVISIONAL GOVERNMENT. RECOGNITION OF CARRANZA'S DE FACTO GOVERNMENT BY THE CONFERRING POWERS. SURRENDER OF VILLISTAS; ESCAPE OF VILLA. OPERATIONS OF PELAEZ IN TUXPAM OIL FIELDS.

File No. 812.00/14121.

Vice Consul Silliman to the Secretary of State.

[Telegrams—Extracts.]

MEXICO CITY, *January 1, 1915.*

The Convention met as per announcement at noon today. General Robles presiding, announced that a majority of the members loyal to the Convention would be considered a quorum. * * * The session adjourned till January 4.

SILLIMAN.

File No. 812.00/14168.

MEXICO CITY, *January 8, 1915.*

Provisional President Gutierrez made the following statement last night:

The problem of pacification may be considered as practically solved. All of the armed groups have been in touch with the Government over which I preside and some of them have sent special commissioners, among them the forces of Coahuila, whose delegates are to return north today. These groups have reduced their demands to two propositions which will probably be satisfied and be made public in due time.

SILLIMAN.

File No. 812.00/14175.

MEXICO CITY, *January 10, 1915.*

General Roque Gonzalez Garza elected chairman of the Convention.

SILLIMAN.

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[1] Continued from For. Rel. 1914, pp. 443–648.

File No. 812.00/14202.

MEXICO CITY, *January 14, 1915—4 p. m.*

In the Convention yesterday afternoon the following measure for a plan of government during the preconstitutional period was submitted by Zapatista delegates. The measure was discussed until 11 p. m. The discussion will be continued today:

Article I. The Provisional President of the Republic, who will be named by virtue of the ratification or rectification of the nomination made in favor of General Eulalio Gutierrez, will remain in occupation of his position until December 31, 1915, and will deliver the executive power on the day following this date to the Constitutional President chosen at elections called by the Convention at a date to be appointed.

Article II. In the event of the temporary or permanent absence of the Provisional President, he will be substituted by the Minister for Foreign Affairs or the Minister next following in the order provided in the protocol, to hold office until the Convention designates a new President.

Article III. The Convention, constituted as a grand jury and with the vote of two-thirds of the members present, may cause the removal of the Provisional President of the Republic from his office for any one of the following reasons: (1) If the functionary referred to violates or fails to comply with the resolutions of the Convention including the principles of the Plan of Ayala which principles were accepted by the Convention in Aguascalientes. (2) If the Provisional President commits any action against the sovereignty or integrity of the Convention. (3) If he separates himself from the official presidency of the Convention without the permission of that body or of the Permanent Committee as the case may be. (4) If he concludes any important political matters without having obtained the previous consent of his Cabinet.

Article IV. Ministers will be responsible to the Convention for all actions in the exercise of their respective official functions.

Article V. When any individual Minister is not in accordance with the President, the President will submit the question in dispute between himself and his Minister to the Cabinet, the resolution arrived at by that body to be final.

Article VI. The Cabinet will be named by the Convention, the President proposing names in groups of three for each Cabinet office.

Article VII. The President of the Republic will not have the right to dismiss any one of his Ministers without having previously obtained the sanction of the Convention.

Article VIII. The Convention reserves the right to depose any one Minister or the whole Cabinet by a simple resolution of the majority of the votes of that body.

Article IX. The President of the Republic will propose to the Convention within eight days following the vacancy of any post in his Cabinet the three names to be submitted from which such vacancy is to be filled.

Provisional Article. The Executive will submit to the Convention the ratification of the actual members of his Cabinet and in case any members be not acceptable he will proceed in the manner stipulated in Article Four.

SILLIMAN.

File No. 812.00/14223.

MEXICO CITY, *January 16, 1915.*

General Roque Gonzalez Garza, President of the Convention, has made the following statement:

Last night the President of the Republic, accompanied by certain of his Ministers, left this capital for the north after having given orders that the larger part of the troops upon which the Government was depending for its support should evacuate the capital.

In view of the fact that the metropolis is left without any authorities, I have assumed the chief command of the city, depending for its defense upon troops of the north and Zapatistas, all of whom are at the orders of the Convention.

Within a few minutes I will issue a decree establishing martial law, in order that any person who commits atrocities or disturbs the public peace will be executed.

My determination to assume the command of the city will be ratified or rectified in the session of the Sovereign Convention to be held this afternoon.

SILLIMAN.

File No. 812.00/14256.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, January 16, 1915.

Two members of the Protocol have just called upon me by direction of Gonzalez Garza, President of the Convention, to inform me officially that this morning at two o'clock, President Gutierrez and some Cabinet members had left town with destination unknown and that Gonzalez Garza had [omission]. In the meantime General Villa had telegraphed he would arrive this evening with sufficient force to sustain the decisions of the Convention; also that absolute order will be maintained in the city and that there should be no fears for the safety of nationals or foreigners as they had sufficient means at hand to suppress any disorders; also that martial law has been proclaimed.

CARDOSO DE OLIVEIRA.

File No. 812.00/14224.

Vice Consul Silliman to the Secretary of State.

[Telegrams—Extracts.]

MEXICO CITY, *January 17, 1915.*

Last night the Convention formally deposed the Provisional President and itself assumed the Government. The President of the Convention was named the Executive of the Convention.

SILLIMAN.

File No. 812.00/14240.

MEXICO CITY, *January 19, 1915.*

The Convention continues its sessions. The first two articles of the proposed plan of government were adopted. A manifesto was issued calling on the Mexican nation to support the Convention. General Villa was confirmed as Commander in Chief and was given a complimentary vote of confidence. The late Provisional President was given three days to return something over ten millions of public funds taken with him and was promised guaranties if he would make delivery within the limit; otherwise the law would be applied to him if caught.

SILLIMAN.

File No. 812.00/14322.

The Confidential Agent of the Provisional [Conventionist] Government to the Secretary of State.

MEMORANDUM.

Enrique C. Llorente, Confidential Agent of the Provisional Government of Mexico, presents his respectful compliments to the Hon-

orable William Jennings Bryan, Secretary of State of the United States, and by instruction of his Government, has the honor to transmit, herewith, copy of a telegram received this afternoon from the President of the Sovereign Convention of Mexico, Roque Ganzalez Garza, charged by the Convention with the Executive Power of the Nation, following the removal of ex-President Gutierrez, relative to the situation in Mexico.

CONFIDENTIAL AGENCY OF THE PROVISIONAL
GOVERNMENT OF MEXICO,
Washington, D. C., January 20, 1915.

[Inclosure—Extract.]

The President of the Convention, Gonzalez Garza, to Confidential Agent Llorente.

My Government, which emanated from the Sovereign Convention, has received offers from private citizens to take up arms in defense of the city and of the Convention. It has not, however, been deemed necessary to accept such offers, for the reason that the situation in the capital is sufficiently safeguarded with the force already at hand, belonging to the Convention and to the Divisions of the North and South. General Villa has control over the entire North after having defeated the Robles Brigade and the column of General Elizondo. General Villa is now in Querétaro with 25,000 men and will march against San Luis and Tampico, by which movement all the central part of the Republic will come under the control of the Convention Government. The greatest part of the troops which evacuated Mexico City on Saturday have now returned and placed themselves at the orders of the Convention and the Commanders of the Division of the North. The Convention proposes to follow a policy of conciliation with all desirable and useful elements.

With this end in view, the Convention has proposed [to] General Eulalio Gutierrez that the capital of the Republic be declared neutral in order that preliminary peace parleys may be initiated, simultaneously agreeing to grant an armistice throughout the Republic. The Convention likewise intends to address General Venustiano Carranza in this sense.

The lack of cohesion on the part of these elements, Carranza and Gutierrez, will facilitate the military operations of this Government.

MEXICO CITY, *January 19, 1915.*

File No. 812.00/14248.

Vice Consul Silliman to the Secretary of State.

[Telegram—Extract.]

MEXICO CITY, *January 20, 1915.*

The late Provisional President [Gutierrez] left Pachuca yesterday taking a northerly direction. He has with him several thousand well armed men but no considerable ammunition. He issued a manifesto enumerating and denouncing various acts of Villa and removing him from his position as commander in chief; also he removed Carranza and Zapata and called on the various chiefs to support him.

SILLIMAN.

File No. 812.00/17250.

Manifesto by Eulalio Gutierrez, deposed Provisional President.[2]

[Extract.]

The Constitutionalist Revolution thought that its victory had been consummated when General Alvaro Obregon entered the City of Mexico after Huerta, the usurper, had fled from the country. Nevertheless it was soon observed that a victory of purely military character did not mark the end of the struggle and all the troubles that have ensued grew principally out of the fact that Señor Venustiano Carranza, First Chief of the Revolution, declined to condense in a definite program the aspirations of the country, refused to define the time of his incumbency as First Chief and fix the date for elections; and he also refused to give guaranties and freedom for holding in the capital a really national convention for deciding all problems of an urgent character for the welfare of the country.

[Review of political affairs from the inception of the Aguascalientes Convention to date.]

The moment has now therefore arrived when the civic standard of all Mexicans should be put to the test. They are at liberty to choose between a dictatorship offered them by the leaders from the North and South and even by Señor Carranza, and a democratic organization undertaken by the Government proposed by the Aguascalientes Convention which I am sworn to maintain.

I have hesitated to assume this attitude because material force is on the side of those who have not respected the Government which they themselves formed. But, acting in accord with the members of the Cabinet and with the feelings of many honest patriots whom I have consulted, I have decided to take a road which, although it may not be that of victory, is the one that honesty points out, asking all Mexicans to do their duty.

Supported by this decision, adopted by the nation's Government, I have seen fit to resolve the following:

First. General Francisco Villa shall cease from his command of the Northern Division and of all the forces that may have been under him; and with him shall also cease Generals Tomás Urbina and Rodolfo Fierro.

Second. General Emiliano Zapata shall cease from his command of the forces loyal to the Convention which may be under his command.

And it is hereby made known to all military chiefs and armed forces loyal to the Government emanating from the Aguascalientes Convention that they shall obey the orders brought to their attention directly or indirectly by the War Department.

Commissions shall at once proceed to bring the above decisions to the attention of such forces as have declined to recognize the Government because they demanded the retirement of General Villa, and to request their assistance should it be necessary to enforce the above decisions.

EULALIO GUTIERREZ.

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[2] This undated manifesto was received at the Department of State at a date not recorded, but not later than January 23. The date of the manifesto is probably January 19, as suggested by Mr. Silliman's telegram of January 20. And see note of March 24 from Mr. Vasconcelos.

File No. 812.00/14252a.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 21, 1915.

417. Please refer to my number 360, December 16,[3] and present the same instructions, therein conveyed, to Provisional President Garza.

W. J. BRYAN.

File No. 812.00/14273.

Vice Consul Silliman to the Secretary of State.

[Telegrams—Extracts.]

MEXICO CITY, *January 22, 1915.*

The Convention has approved the plan of government[4] as far as Article 7. Cabinet ministers have been made individually and collectively responsible to the Convention for their conduct.

SILLIMAN.

File No. 812.00/14295.

MEXICO CITY, *January 27, 1915—9 a. m.*

The Convention and the Zapatista forces evacuated this city early this morning, going to Cuernavaca. The Provisional President [President of the Convention—Garza] with an estimated force of four thousand troops is still here. The Constitutionalist forces are expected to arrive in the city today.

SILLIMAN.

File No. 812.00/14294.

MEXICO CITY, *January 27, 1915—5 p. m.*

General Palafox, Minister Gomez and a number of the members of the Convention did not leave the city in the evacuation this morning. The Provisional President and staff left later in the day. It appears that the entry of the Constitutionalists is not so imminent as was reported. Palafox and Gomez have issued a manifesto deprecating the alarm and stating that they assume the military and civil authority of the city and will protect it against the enemy until the return of the Convention and the Provisional President. It is not believed that this will prevent the occupation of the city by the Constitutionalists.

SILLIMAN.

File No. 812.00/14303.

MEXICO CITY, *January 28, 1915—11 a. m.*

The Provisional President returned to the city and spent the night. He issued a statement defining his attitude and placing the responsibility for the evacuation on the Convention. While approving the

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[3] See For. Rel. 1914, p. 633. [4] Quoted in his January 14, 4 p. m.

manifesto of Palafox and Gomez he ordered the complete evacuation of the city, and the City Council has again assumed the authority pending the arrival of the Constitutionalists, who are understood to be near.

SILLIMAN.

File No. 812.00/14301.

MEXICO CITY, *January 28, 1915—5 p. m.*

General Obregon occupied the city with about 10,000 men this afternoon. A few of the Zapatistas were overtaken while evacuating and there was considerable firing; it is reported that there were quite a number of fatalities; troops are being despatched to occupy the suburban towns; no manifesto has yet been issued or a plan of government announced.

SILLIMAN.

File No. 812.00/14307.

MEXICO CITY, *January 29, 1915—10 a. m.*

General Obregon assumes military authority of city in the name of First Chief.

SILLIMAN.

File No. 812.00/14325.

MEXICO CITY, *February 1, 1915.*

General Benjamin Hill is in command of city during the absence of Obregon in Vera Cruz. Zapatistas continue to occupy the farthest southern suburbs; they still control and have cut the main city water supply. The Constitutionalists are operating the Mexican Railway.

SILLIMAN.

File No. 812.00/14346.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, February 3, 1915—5 p. m.

303. Carranza has changed the capital to Vera Cruz closing all Government offices here, including public schools, for the purpose of humiliating this city and reducing it to the insignificant situation of a capital of a new State called by him Valle de Mexico. It is ascertained his aim in so doing is to force the transfer to Vera Cruz of the Diplomatic Corps whose existence here he feigns to ignore and to whom he has not addressed any communication so far.

British Chargé d'Affaires sent yesterday following telegram to his Government, and the French, Spanish, German, Italian, Austrian, Japanese, Guatemalan, Chilean have done the same and probably the others will also do so:

I have had the honour to report to you the numerous changes in the Cabinet of Occupation of this capital as they occurred, and in my telegram of yesterday I reported to you the decision of Señor Carranza to transfer the capital to Vera Cruz as well as the fact that all the Ministries here were now closed and that the municipality was the only civil authority left. Thus the Diplomatic Corps is left without any one with whom they can deal. Foreign representatives have on the whole been treated with all proper respect by the chiefs who have

followed in such quick succession, though they have made little if any secret that they found them an embarrassment and the Corps has thus been of real use. But with the increasing anarchy their position has become increasingly difficult and even precarious. It threatens to become ridiculous if they are left subject to incidents at any of the military changes of authority and entirely en l'air, having, as I said, no one with whom they can deal. On the other hand they clearly cannot establish themselves at Vera Cruz as this would be tantamount to a recognition of Carranza, and though he appears to have for the moment the strongest following yet there is not the slightest ground for trusting in his stability; and it may be taken as certain that the interests of any country whose representatives took such action would be a butt for the malevolence of the other parties.

Under these circumstances I believe it is my duty to warn His Majesty's Government to consider while there is still time the advisability of withdrawing their diplomatic representation from Mexico leaving their interests to be protected locally as well as may be by the Consuls each of whom might, following the example which has been set by the United States, be appointed as special confidential agent to the most successful chief in his district.

I do not say that the moment has yet absolutely arrived for such a step but I firmly believe it is very near and it may come any day. It is, of course, of great importance that unanimity should prevail in anything that may be decided.

If I may venture to express an opinion, best course to be adopted is that we should be furnished with instructions to leave but be given latitude as to the moment for carrying the instructions into effect.

The situation grows worse every day. The Zapatistas are making frequent attacks on several points at short distances from the center of the city. The cutting off by them of the water supply, the scarcity and high prices of food on account of lack of communication and the indescribable uncertainty of the paper money which one day is given forcible circulation and next day is declared of no value creates for banks, commerce and the people in general a condition very near to despair. Considering the kaleidoscopic rapidity with which unexpected situations are created and again changed here and the possibilities of this capital being recovered by any one of the numerous factions now contending for the supreme power, I think as a temporary and conciliatory solution it would be advisable for the American Government to intimate to Carranza but in a strong and decisive way the imperative necessity of leaving somebody in the Foreign Office here to deal in his representations with the [omission] leaving the telegraph open for the transaction of more important matters with himself or his Foreign Minister at Vera Cruz, every diplomatic representative here being, of course, free if he feels the need to deal with Carranza personally.

Please let me know your views on this.

CARDOSO DE OLIVEIRA.

File No. 812.00/14360.

The Confidential Agent of the Provisional Government of Mexico to the Secretary of State.

WASHINGTON, *February 5, 1915.*

EXCELLENCY: I have the honor to quote below the text of a telegraphic instruction received by me, dated the 4th instant, from Mr. M. Diaz Lombardo, Minister of Foreign Relations in the Cabinet formed by General Villa, on his recent temporary assumption of political power:

You will inform his excellency the Secretary of State of the United States that by reason of lack of communication between the Provisional Government of Mexico, sustained by the Sovereign Convention, and the forces under the command of General Villa, the latter, as Chief of Military Operations, has for the time being, and only for the period during which communication is impossible, assumed political authority, and has created, in order that public business be not retarded, the administrative departments to be located at Chihuahua, attached to General Headquarters: the first, Foreign Relations and Justice, of which I have been placed in charge; the second, Interior Affairs and Communications, of which Dr. Luis de la Garza Cardenas is chief; and the third, Finance and Industry, under the direction of Mr. Francisco Escudero. You will invite the special attention of the Department of State to the fact that the Convention, under date of January 18, last, ratified the appointment of General Villa, all of whose acts will be regarded as those of the Provisional Government. Be good enough to present my personal respects to Mr. Bryan, and communicate to him, in brief, the text of the manifesto and decree of General Villa which I am sending you.

In further compliance with the foregoing instruction, the manifesto and decree above mentioned will be transmitted to the Department as soon as received.[5]

Please accept [etc.]

ENRIQUE C. LLORENTE.

File No. 812.00/14346.

The Acting Secretary of State to Consul Canada.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 6, 1915—7 p. m.

Department advised by Brazilian Minister at Mexico City that Carranza has changed capital to Vera Cruz expecting the transfer to that city of the Diplomatic Corps, whose existence he finds embarrassing and feigns to ignore in his communications. You will discretely represent to General Carranza that this Government deprecates his action, which the Department is advised by reliable sources is creating a most unfortunate impression abroad. Foreign governments are forced to the conclusion that the Carranza Government is acting without deliberation or regard for the established conventionalitities of international intercourse. Perhaps the most harmful impression abroad is that of doubt as to the ability of General Carranza to maintain himself at the capital of Mexico although he represents himself as its provisional constitutional president. If this action on the part of Carranza should result in the withdrawal from the Republic of the diplomatic representatives of foreign governments a situation will be produced the grave result of which it is believed Carranza has not duly estimated.

LANSING.

File No. 812.00/14346.

The Acting Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 6, 1915—7 p. m.

443. Your 303, February 3, 5 p. m. Department thinks it important in the matter of withdrawal that unanimity should pre-

[5] See this manifesto, inclosed with Mr. Llorente's March 8.

vail among the entire Diplomatic Corps now in Mexico City as far as possible. It is assumed that you will receive suitable instructions as to the course you should pursue from your Government, but you may say to Silliman and to all American employees of your Legation that they may consider themselves at liberty to withdraw from Mexico City whenever a majority of the Diplomatic Corps, including yourself, deems it advisable to withdraw. In case of sudden departure of Diplomatic Corps, you may ship archives to Consulate at Vera Cruz, if possible; otherwise, make such disposition as in your judgment may be deemed most appropriate. It is earnestly hoped that representations which have been made to General Carranza at Vera Cruz will make withdrawal unnecessary.

ROBERT LANSING.

File No. 812.00/14375.

Vice Consul Silliman to the Secretary of State.

[Telegram—Extract.]

MEXICO CITY, *February 9, 1915.*

The Brazilian Minister has informed me fully regarding his correspondence with the Department and with his Government. I desire to say for the Minister that he is the only one of the Diplomatic Corps who has made an effort to preserve friendly relations and avoid a crisis, by his suggestion to the Department that Carranza be requested to allow a representative of the Department of Foreign Relations remain in this capital.

SILLIMAN.

File No. 812.00/14397.

The Confidential Agent of the Constitutional Government of Mexico to the Secretary of State.

WASHINGTON, *February 15, 1915.*

MY DEAR MR. BRYAN: I have the honor to transmit to you, herewith, copy in translation of a circular letter issued by Mr. Carranza to all military commanders of the Constitutionalist Army, which has for a purpose to preserve perfect unity in all the acts of our government in its relations with foreign representatives now in Mexico.

By having all matters brought directly to the attention of the First Chief, who, on account of the fact that he is the depositary of the Executive Power of Mexico, is really the only person with whom diplomats and consuls can deal, many misunderstandings and deficiencies will be averted.

With assurances [etc.]

E. ARREDONDO.

[Inclosure.]

CIRCULAR.

To all Military Commanders of the Constitutionalist Army:

The First Chief of the Constitutionalist Army has been apprised of the very frequent cases in which persons of various nationalities, styling themselves confidential or consular agents of foreign governments, without they really being

so, and other persons styling themselves representatives of foreign colonies or large foreign interests established in Mexico, pretend to make representations, address notes and treat directly about matters of international importance with different commanders of the Constitutionalist Army. This action, even in cases in which it is taken by persons really accredited, produces the inconvenient effect of breaking up the unity which should prevail in all the acts of the Constitutionalist Government and tends to belittle the authority of the First Chief of the aforesaid army, giving room to disorder and lack of cohesion in governmental decisions, with much danger for our cause.

The defection of General Francisco Villa and other officers of the Northern Division affords a painful experience from which we must profit to prevent in the future any breach of political discipline by inexperienced leaders.

This Government is determined to comply with its international duties by affording just and lawful protection to foreign persons and interests, and this can only be properly done by the appropriate authorities, due to the fact that any representations made in behalf of foreigners directly to military chiefs who depend from this headquarters may not be efficaciously attended to, in detriment of the cordial relations which this Government desires to maintain with foreign countries and governments. Moreover, it being the exclusive province of the First Chief of the Constitutionalist Army to direct all kinds of diplomatic negotiations and to treat all international matters, receiving the agents of foreign governments and deciding all affairs relative thereto, I consider it imperative, in view of the above-mentioned facts, to remind all commanders of the Constitutionalist Army that they are not authorized to receive or admit, and much less to pass any decision upon, notes involving complaints, representations or any action taken in behalf of foreigners, no matter what the character of the representations may be, whether they proceed from consular or confidential agents or from persons styling themselves representatives of large interests, whose action near military commanders affects or may affect the diplomatic relations of Mexico or the duties or rights of the Constitutionalist Government with regard to foreigners living in this country. Military commanders to whom representations may be made shall confine themselves to informing the representatives of foreigners that they should treat such matters directly with the First Chief of the Constitutionalist Army.

With regard to suggestions, insinuations or promises of mediation in matters of our internal policy, which some foreign representatives may make with the good intention of assisting us to decide our difficulties, military commanders shall always discourage such interference, declining invariably any promises of political assistance made by foreigners, even though such assistance would seem beneficial, as it should always be borne in mind that all matters of our interior policy are of the exclusive province of the people and government of Mexico. This Headquarters, therefore, recommends to military commanders under the First Chief to abstain from admitting by their side any confidential agents or representatives of foreign governments or interests, to the end of avoiding all possible danger of a breach of discipline, inasmuch as the latter is of the greatest importance in the present moments of revolutionary struggle.

V. CARRANZA.

File No. 812.00/14487.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, March 2, 1915.

382. The International Committee of Relief having now 250,000 pesos has already made arrangements for the purchase of staple goods at Pachuca, San Juan del Rio and Apam but are unable obtain transportation because railroads are in exclusive use of Carrancista authorities. The committee would feel very grateful if you can arrange with Carranza that orders given so that necessary train service be given for this purpose.

CARDOSO DE OLIVEIRA.

File No. 812.00/14477.

BRAZILIAN LEGATION,
Mexico City, March 2, 1915.

380. I have been earnestly requested by the International Committee of Relief to transmit to you the following telegram which was impossible for them to send in clear on account of Vera Cruz censorship.

An International Committee consisting of forty members and representing seventeen foreign colonies resident in the City of Mexico held a meeting tonight and passed a resolution to the effect that the following be sent to you:

For three days every business house in Mexico City both large and small has closed its doors and the entire commercial traffic of a metropolis of over half a million inhabitants has been completely paralyzed. This has been due to the request of the military authorities here that a special tax levy of twenty million pesos be paid for the ostensible purpose of relieving the poor whose situation has become really desperate due to the shortage of foodstuffs.

We think in all fairness not only to the various colonies represented but to the business men of Mexican nationality that the fact that this shortage of foodstuffs is due to the deliberate campaign of military leaders desirous of starving the working classes into enlisting should be given as wide publicity as possible. This committee composed of the leading business and professional men of the capital has amassed indisputable evidence pointing to a definite order forbidding the importation of cereals and other foodstuffs for the reason above stated. Furthermore all food possible to secure has been shipped out of the city in furtherance of the scheme. This evidence will be placed at the disposal of the various members of the Diplomatic Corps here.

At all times the foreign and native business interests have been willing and anxious to subscribe to a fund for the relief of the poor but when a representative of this committee approached General Obregon last night relative to the disposition [omission] already collected for this purpose he was met with the following answer:

"The Mexican people do not need gratuitous help from foreigners. The sons of Mexico will work actively to mitigate the pains from which they suffer but they will do that work themselves."

On the following day General Obregon made the following statement:

"At the first attempt at riot I will leave the city at the head of my troops in order that they may not fire a single shot against the hungry multitude, as the merchants did not accept the invitation which was made to them to assist the people and prevent violence."

This we consider as an open invitation on the part of the authorities for the mob to loot our places of business which we are prepared to defend as best we may should the occasion arise. Three thousand employees local street railways left their cars today, held mass meeting, decided join Carranza. After meeting paraded streets joined by rabble. All places of business, hotels, cafés, banks, theaters closed. Men authorized remove trolleys take same Vera Cruz. General exodus expected begin tomorrow. Street car system has over two hundred miles track, two hundred and fifty cars, carries million passengers monthly, is Canadian corporation, head offices Toronto but been operated by Government for some time. Condition city desperate, without water, insufficient food and no police protection. Obregon said again this morning:

"I will not fire single shot into any mob who may attempt get what hunger has driven them to seize. Rather than fire upon my people I will evacuate city leaving selfish merchants who refused contribute their relief manage their own defense."

Tonight business men been summoned meet local theater where Obregon will make address. These same men refused pay extraordinary tax recently levied. Nearly two hundred empty box-cars stand ready to take away Carranza sympathizers when evacuation becomes fact. Up this time no looting though fear generally expressed mobs may attempt destroy property. For past four days foreigners everywhere generously contributed relief funds but Obregon refused receive these contributions. Likewise Catholic clergy offered donations cash which refused. Priests still imprisoned in Palace and Obregon says will carry them away when city evacuated placing available ones in army. Mobs bearing red flags are now parading streets.

Chairman International Committee, and sixteen others including representatives colonies France, Germany, Great Britain, Russia, Italy, etc.

B. W. WILSON.

CARDOSO DE OLIVEIRA.

File No. 812.00/14494.

Special Agent Silliman to the Secretary of State.[6]

[Telegram.]

VERA CRUZ, *March 3, 1915—4 p. m.*

Cabinet Minister Cabrera informed me this morning that the City of Mexico was a white elephant on the hands of the Constitutional-

[6] Appointed Consul at Saltillo, February 22, 1915, and assigned to special duty near Carranza.

ists and that it was altogether probable that they would soon abandon it using their troops in the campaign against Villa. Military trains on the Mexican Railway will be diverted from Ometusco via Pachuca to Tula. This means the complete closing of all considerable sources of supplies for the city, its possible isolation and its occupation by the Zapatistas. These people cannot be expected to relieve the distressing economic situation now prevailing except as to water supply unless there may be other source of relief promptly. I can see nothing but increased hardship and suffering for the foreign representatives and their nationals. Mr. Cabrera said that the diplomats would be advised of evacuation. All train service with city excepting military is suspended. Telegraphic service is suspended excepting official.

SILLIMAN.

File No. 812.00/14477.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 3, 1915—6 p. m.

I am sending you telegram just received from the City of Mexico. Without showing the text to Carranza or mentioning the name of any person, call his attention to the facts stated in this telegram and say that it is signed by representatives of seventeen nationalities. Ask Judge Douglas, who I believe is now there, to join you in impressing upon Carranza the seriousness of the situation at the City of Mexico. If the facts are as stated General Carranza surely cannot approve of them or permit those acting under him to carry out the program which seems to have been arranged. Inform us at once as to General Carranza's disposition in the matter. Telegram above referred to is as follows:

[Quotes telegram of March 2 from the Brazilian Minister transmitting the resolution of the International Committee.]

BRYAN.

File No. 812.00/14477.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 4, 1915—2 p. m.

501. Your 380, March 2, communicating statement issued by International Committee, received and forwarded to Carranza with earnest representations. Judge Douglas, Carranza's Washington attorney, is now at Vera Cruz and may be able to render some assistance in averting threatened difficulties. The International Committee acted wisely in organizing for the rendering of assistance. If a commission of Mexicans will undertake the relief of the native population it may avoid friction if the International Committee will invite such cooperation.

BRYAN.

File No. 812.00/14497.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 4, 1915—4 p. m.*

If the Carranza Government carries out the plan outlined by Cabrera and conveyed to the Department in my March 3, 4 p. m., I would consider the Mexico City situation which is already very serious as extremely dangerous, much worse than ever before. Headlines in Mexico papers of yesterday are most discouraging. Labor union publicly inciting to anarchy and the guillotine. Douglas and I conferred at length at noon. He thinks possibly an agreement can be reached to consider the city a neutral zone. In view of the failure of previous efforts this is quite doubtful and difficult. The Constitutionalists themselves declined it when proposed by the Conventionists.[7] If it should fail, and if the Department does not feel assured of the prompt opening of the line north, then I respectfully suggest, in view of all the circumstances, strong demand by the Department that railway and telegraphic communication with the city of Mexico must be maintained regardless of whether the place is evacuated by the Constitutionalists or occupied by the Zapatistas. I believe that Douglas would support the demand and that it would be opportune to make it.

SILLIMAN.

File No. 812.00/14500.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, March 4, 1915—5 p. m.

383. I beg to transcribe the following sentences from a speech made by Obregon yesterday in reply to one of the chairmen of a meeting of more than three hundred Mexican merchants and proprietors called by him to deal with the question of the modification of the special tax decree requested by Mexicans:

Every authority good or bad must make itself respected and I am resolved to do this at any cost.

The Constitutionalist army does not come to beg good will, it comes to impart justice according to the Constitutionalist criterion and without worrying as to what the morrow may bring forth.

Understand well that it was not I who excepted foreigners from paying the tax but our laws, which are very deficient. But I call to your notice that true equality and democracy will exist only when we Mexicans no longer have to defer to those who smoke opium and chew tobacco. Our territory is immensely rich; our miseries should not pass beyond the frontiers and here is where we should do everything to relieve our poverty.

You call my attention to the moral force and influence of foreign capital but I warn you that I am resolved to do justice above everything else. I thank you for the lessons of your wise men which you wish me to learn. I can have no wise men at my side but I respond for my acts with my blood. You need not be alarmed over this decree for others soon will be published which will alarm you more.

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[7] See Mr. Llorente's January 20.

I repeat that you refused to pay the tax taking the decree as a political arm but once more I will say to you that I have no intention of letting myself be outwitted and I am determined that my orders shall be obeyed without caring for what may happen afterwards. I have said and I repeat that I will not punish hungry people who try to get bread and do justice to themselves. If my children had no bread I would go out and look for it with a dagger in my hand until I had found it.

After this speech he declared them all to be his prisoners, the building had been previously surrounded by troops. They are yet detained. Your attention is called to part in which he states that more decrees more alarming will follow.

CARDOSO DE OLIVEIRA.

File No. 812.00/14496.

BRAZILIAN LEGATION,
Mexico City, March 4, 1915.—6 p. m.

385. My 383, March 4, 5 p. m. Military post commander has just published a decree to the effect that all merchants must immediately open their business places, under threat of severe punishment if not complied with; also that any person refusing to accept Constitutionalist paper money shall be incarcerated.

CARDOSO DE OLIVEIRA.

File No. 812.00/14501.

BRAZILIAN LEGATION,
Mexico City, March 4, 1915.—11 p. m.

386. My 383, March 4, 5 p. m. I am informed that foreign merchants are unwilling to open their shops, sure as they are that the purpose of the decree is not only to force them to accept Carranza's money lately issued at Vera Cruz amounting to several million which money will be of no value when other factions occupy the city, but with alternative that if decree is not complied with it would be considered as a rebellious act and subject to punishment which will be made effective probably in the way of authorized looting. That the city will be evacuated soon and consequently occupied by other factions is now proved by the following reply from Carranza to a telegram sent day before yesterday by the Diplomatic Corps in which they requested the adoption of some measures beneficial to the merchants here:

By direction of the First Chief of the Constitutionalist Army I beg to advise you, requesting that you so inform the Diplomatic Corps, that the City of Mexico will be evacuated soon by the Constitutionalist forces. The Diplomatic Corps will be duly attended in Vera Cruz if it should resolve to go to the capital of the Republic. Accept my distinguished consideration.

URETA.

This [omission] second invitation for the transfer of the Diplomatic Corps, which of course cannot be taken. Later consideration only indicates Constitutionalist intention to get rid of all responsibility for what may happen here to foreigners and Diplomatic Corps. However, their responsibility will be the greater since if the feared catastrophe should take place here it will all be due to their machinations and avowed purpose to punish the city. Be-

sides the wild rumors which already circulate continually, I have just been informed by a reliable person that an emissary came expressly from Vera Cruz bringing verbal orders, which they would not trust to telegraph or ink and paper, to destroy the light and power plants and the water works, make a general looting before the evacuation takes place.

CARDOSO DE OLIVEIRA.

File No. 812.00/14509.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 5, 1915—3 p. m.*

Department's March 3, 6 p. m. The matter has been fully discussed with Douglas and Arredondo. The former has seen my representation just prepared as a preliminary statement after conference with them. Have asked for his suggestion regarding relief of situation and have made important the necessity of continuing uninterrupted railroad and telegraph communication with Mexico.

SILLIMAN.

File No. 812.00/14488.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 5, 1915—5 p. m.

505. Please inform us as nearly as possible how many of foreign nationalities, stating number of each nationality, reside in Mexico City; also remind Americans of the President's advice to Americans to leave Mexico until conditions become settled. If evacuation occurs encourage the Mexican citizens of influence to organize and preserve order. We are urging Carranza not to permit an interruption of traffic between Mexico City and Vera Cruz.

BRYAN.

File No. 812.00/14487.

The Secretary of State to Special Agent Silliman.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, March 5, 1915—5 p. m.

Brazilian Minister, Mexico City, telegraphs International Relief Committee has 250,000 pesos for purchase supplies at Pachuca, San Juan del Rio and Apam, but unable obtain railway transportation. Immediately request Carranza facilitate transportation much needed supplies. Telegraph Minister result your efforts.

W. J. BRYAN.

File No. 812.00/14488.

DEPARTMENT OF STATE,
Washington, March 5, 1915—5 p. m.

Say to General Carranza that we are very much alarmed at the reported interruption of communication and traffic between Vera Cruz and Mexico City especially in view of the statements issued and speeches made by General Obregon against foreigners. Have Judge Douglas join you in impressing upon Carranza the necessity of keeping the way open so that in case of necessity residents of the capital may reach the seacoast. A very serious situation may be created if harm should be done the foreigners at the capital.

BRYAN.

File No. 812.00/14518.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, March 6, 1915—6 p. m.

391. Carranza has confirmed the coming evacuation of Mexico City and sent today through his Foreign Office a third invitation to the Diplomatic Corps to transfer to Vera Cruz or any other town under his actual domination, stating that this would not be considered by him as an act of recognition. Even so, it was considered by the Diplomatic Corps that such transfer would be very greatly resented by other factions and place the Diplomatic Corps and foreign interests in very bad shape in the territory under their power. The Dean of the Diplomatic Corps will answer Carranza not accepting the invitation for the same reasons stated when the first invitation came in last November.[8]

CARDOSO DE OLIVEIRA.

File No. 812.00/14511.

BRAZILIAN LEGATION,
Mexico City, March 6, 1915—7 p. m.

393. Department's 505, March 5, 5 p. m. American 2,500; German 1,800; China 2,000; Turkey same; France 1,900; Spanish 12,000; Cuba 1,200; England 1,000; Italy 700; Japan 500. Other nationalities, 800. The above is only approximate, based on what information I have been able to obtain in such a short time. At the present moment only military trains, where no passengers are admitted, are being operated between Mexico and Vera Cruz, and even these are frequently attacked by opposing factions.

CARDOSO DE OLIVEIRA.

File No. 812.00/14501.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 6, 1915—9 p. m.

508. Your telegram No. 383, March 4, 5 p. m.; and your No. 386, March 4, 11 p. m.

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[8] For. Rel. 1914, p. 627. The second invitation is mentioned in Mr. de Oliveira's March 4, 11 p. m.

We have been anxious and perplexed over the statements in your dispatches and have concluded that the best course at present is for you immediately to see General Obregon and present to him a most earnest and emphatic note in the following sense:

The Government of the United States has noted with increasing concern the reports of General Obregon's utterances to the residents of Mexico City. This Government believes they tend to incite the populace to commit outrages in which innocent foreigners within Mexican territory, particularly the City of Mexico, may be involved. The Government is particularly impressed with General Obregon's suggestions that he would refuse to protect not only Mexicans but foreigners in case of violence and that his present decree is a forerunner of others more disastrous in effect. In this condition of affairs the United States Government is informed that the City of Mexico may soon be evacuated by the Constitutionalist forces, leaving the population without protection against whatever faction may choose to occupy it, thus shirking responsibility for what may happen as a result of the instigation to lawlessness before and after the evacuation of the city.

The United States Government is led to believe that a deplorable situation has been wilfully brought about by Constitutionalist leaders to force upon the populace submission to their incredible demands and to punish the city on account of refusal to comply with them. When a factional leader preys on a starving city to compel obedience to his decrees by inciting outlawry and at the same time uses means to prevent the city from being supplied with food, a situatiton is created which it is impossible for the United States to contemplate longer with patience. Conditions have become intolerable and can no longer be endured. The Government of the United States therefore desires General Obregon and General Carranza to know that it has, after mature consideration, determined that if, as a result of the situation for which they are responsible, Americans suffer by reason of the conduct of the Constitutionalist forces in the City of Mexico or because they fail to provide means of protection to life and property, the Government of the United States will hold General Obregon and General Carranza personally responsible therefor. Having reached this determination with the greatest reluctance, the Government of the United States will take such measures as are expedient to bring to account those who are personally responsible for what may occur.

A similar message has been sent to Vera Cruz for delivery to General Carranza.

BRYAN.

File No. 812.00/14501.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 6, 1915—9 p. m.

We have been anxious and perplexed over the statements in dispatches from Mexico City regarding situation there and have concluded the best course at present is for you immediately to see General Carranza and present to him a most earnest and emphatic note in the following sense:

[Here follow the third and fourth paragraphs of the telegram of this date to the Brazilian Minister.]

In conversation with General Carranza please impress upon him that the extraordinary and unpardonable course pursued by General Obregon under his command has renewed the talk of joint action by several of the chief governments of the world to protect their

legations and their nationals at Mexico City and that in pursuing his course he is running a very serious risk.

A similar message has been sent to Mexico City for delivery to General Obregon, except as to preceding paragraph.

BRYAN.

File No. 812.00/14501.

The Secretary of State to the Ambassador of Spain.[9]

DEPARTMENT OF STATE,
Washington, March 6, 1915.

MY DEAR MR. AMBASSADOR: I desire to call to your attention that in view of the peril to Americans in Mexico City the Department is tonight telegraphing to Mexico City and Vera Cruz messages for delivery to General Carranza and General Obregon to the effect that this Government will hold them personally responsible for their conduct.

Sincerely yours,

For the Secretary of State:
ROBERT LANSING.

File No. 812.00/14519.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, March 7, 1915—4 p. m.

395. Department's 508, March 6, 9 p. m. The note was delivered to General Obregon at 1 p. m. and he has just answered that, "As all matters of international character are not within his jurisdiction he has transcribed the same to Carranza."

Please let us know Carranza's answer as soon as possible.

CARDOSO DE OLIVEIRA.

File No. 812.00/14530.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

VERA CRUZ, *March 8, 1915—9 p. m.*

Department's March 6, 9 p. m. received at noon and conveyed to First Chief in personal interview. Arredondo was present; Zubaran called in afternoon. They believed the American Government has been misguided. The charge that Obregon has shipped food supply out of the city or prevented its entry, in detriment to the inhabitants, is denied. On the contrary it is claimed that he has permitted its entry. The attitude of the United States and the intimation about responsibility is resented. An early reply is promised.

No reply yet to my communication [10] transmitting representation of International Committee to the Department.

SILLIMAN.

[9] The same to the Ambassadors of Brazil, Germany and Great Britain.
[10] Referred to in his March 5, 3 p. m.

File No. 812.00/14534.

The Confidential Agent of the Provisional (Conventionist) Government of Mexico to the Secretary of State.

WASHINGTON, *January* [*March*][11] *8, 1915.*

EXCELLENCY: For the information of the Department of State, I have the honor to enclose herewith translations of the manifesto of General Villa, dated January 31 last, giving reasons for his assumption of political power in the zone occupied by his forces; the ratification of his appointment as General-in-Chief of Operations by the Sovereign Convention; and his decree creating three temporary departments of government.

Please accept [etc.]

ENRIQUE C. LLORENTE.

[Inclosure 1—Translation.]

Ratification of General Villa's appointment as Commander-in-Chief.

MEXICO, *January 18, 1915.*

The President of the Sovereign Revolutionary Convention, charged with the Executive Power of the United Mexican States, by virtue of an Act of the same, taking into consideration the usefulness and patriotic services rendered by you on behalf of the revolutionary cause at times of great moment, has seen fit to ratify your appointment as General-in-Chief of the Convention's forces in its military operations, and hopes that the country may always rely on your valuable and efficient aid in carrying to a happy conclusion the redeeming principles of the Revolution and such dispositions as the Sovereign Convention may see fit to decree.

This I have the honor to communicate to you for your information and consequent effects.

R. GONZÁLEZ GARZA.

[Inclosure 2—Translation—Extract.]

Manifesto to the Mexican Nation by General Francisco Villa.

HEADQUARTERS, ARMY OF OPERATIONS,
Aguascalientes, January 31, 1915.

The lamentable obstinacy of Venustiano Carranza who, violating the Plan of Guadalupe, and attempting to usurp for an indefinite period the office of First Chief of the Constitutionalist Army, clothed with an array of powers never before assumed by the most absolute dictator, gave cause to his repudiation by the Division of the North, and the determination of the latter that the governors of states and generals of the army who had fought for the restoration of constitutional order, suspended through the treason of Huerta, should constitute themselves a Sovereign Convention, to meet in this city, to which place its deliberations had been transferred from the capital of the Republic where it had begun its labors by virtue of the summons issued by Carranza, but without participation of either the generals of the Division of the North or that of the South.

Among the first acts of the Convention was to declare itself sovereign, as well as to give to the assembly at Aguascalientes the character of being a "continuation," as a political entity, of the Convention of Mexico City of October 1 last. * * *

The First Chief of the Constitutionalist Army charged with the Executive Power of the nation, acknowledged the authority of the Convention, to whom he submitted his resignation, and some of whose orders he obeyed. * * *

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[11] Received by the Secretary of State, March 9, 1915.

The Sovereign Convention decreed the dismissal of Carranza as First Chief of the Constitutionalist Army charged with the Executive Power, as well as of those generals commanding the army corps and divisions. In place of the latter, brigades were created as subdivisions of the army, and it was determined that they should be directly under the orders of the Minister of War. It also proceeded to elect a provisional president, to remain in power until the Convention, united with the Army of Liberation [Zapatistas] and meeting at the capital of the Republic, might designate the person to discharge the duties of Chief Magistrate during the preconstitutional period.

These acts of the Convention, including the elevation of General Eulalio Gutierrez to the office of Provisional President, were dictated almost unanimously; notwithstanding this, and in spite of their oaths of honor, some of the military chiefs, foreseeing the end of their personal ambitions because of the selection of General Gutierrez, abandoned the Convention and, in accord with Carranza, conspired to disavow its acts and made preparations for armed resistance. The obstinacy of Carranza and the disloyalty of these generals caused the Convention to declare the First Chief and those who followed his banner to be rebels, and inspired Gutierrez, pursuant to the authority vested in him as President of the Republic, to appoint me General-in-Chief of the Convention, for the purpose of commencing operations against them. In that character, and with public opinion throughout the country supporting the Sovereign Convention as the only legitimate authority, I led my troops in a veritably triumphant march from this city to the capital of the Republic, which we now hold in fraternal union with the Army of the South [Army of Liberation].

* * * Unfortunately, within the Provisional Government there arose political ambitions prompted by intriguing politicians, who, taking advantage of the weakness of character of the Provisional President, and of the youth and inexperience of the Minister of War, persuaded them to disavow the Convention, the supervision of which seemed alarming, or which they feared might not ratify the designation of General Gutierrez as President, thus depriving them of their influence in the political affairs of the nation.

The history of Mexico will bitterly censure the flight of Provisional President Gutierrez, who, in disavowing the Convention and abandoning the capital of the Republic, left it undefended and exposed to disorder and pillage, inspiring its inhabitants with panic. Furthermore, he left it without funds with which to pay the troops and public employees, taking funds from the national Treasury to the sum of 10,500,000 pesos. Fortunately, the troops of the Convention who, being deceived, had evacuated the city of Mexico, returned upon discovering the disloyalty of the ex-President and the ministers who had followed him.

Under these difficult circumstances, the presiding officer of the Convention, General Roque Gonzalez Garza, assumed political and military charge of the Federal District, and, efficiently aided by the loyal military chiefs, succeeded in restoring order and afforded guaranties to the inhabitants, of all of which he gave an account to the Convention, which thereupon determined to reassume the executive power of the nation, and to exercise it through its presiding officer, ratifying also my own appointment as Commander-in-Chief of the Army of Operations against those in rebellion.

The defection of the generals who refused to obey the orders of the Convention preferring the weak authority of Carranza who permitted them to satisfy their unrestricted ambitions, and the disloyalty of Gutierrez and his following, compelled the Provisional Government created by the Convention to concentrate its forces in the North, in order to secure a base and safeguard the extensive lines of railway communications.

It has been deemed necessary to concentrate the forces of the South in the States of Morelos, Mexico, Puebla, and Guerrero; and General Gonzalez Garza, present Chief of the Provisional Government, has therefore resolved to evacuate the capital of the Republic and to transfer his headquarters to Cuernavaca, so that the Convention, free from all coercion, may carry on in that city the deliberation for which it was constituted, namely to organize the future constitutional government and to guarantee the fruits of the Revolution.

The mobilization of the Convention forces in the North and South has meanwhile temporarily interrupted the lines of communications, between the Pro-

visional Government and the Army under my command, which renders it necessary for me to assume for the time being political authority in the States occupied by my forces, inasmuch as the existence of the National Administration should not be suspended and as the Convention forces are obligated to give protection to the lives and interests of nationals and foreigners.

For that purpose * * * I have determined * * * to create three sections attached to these headquarters, charged with political and administrative matters under my supervision, reserving to myself the direction of military operations.

These sections, or departments, will be located in Chihuahua, but always in communication with headquarters and, when possible, with the Government of the Convention. They will have under their charge: first, matters pertaining to Foreign Relations and Justice; second, Communications and Interior; and third, Finance and Industry. The acts of these departments shall be subject to the ratification of the Provisional Government.

* * * I declare my loyalty to the Government created by the Convention, and will endeavor, with the spirit that animates the Convention, to assist in the reconstruction of the nation in harmony with the national ideals.

FRANCISCO VILLA.

[Inclosure 3—Translation.]

Decree of General Villa assuming political power and creating provisional departments of government.

HEADQUARTERS, ARMY OF OPERATIONS,
Aguascalientes, February 2, 1915.

Francisco Villa, General-in-chief of the Army of the Convention operating in the North and Center of the Republic, by virtue of the extraordinary powers of a political character that he has been obliged to assume and does hereby assume by reason of the temporary interruption of communications between the Government created by the Sovereign Revolutionary Convention and the zone in which the army under his command is located, and considering that public administration cannot be suspended, has, as Chief of Operations, in accordance with the usages of war recognized by all nations, seen fit to decree the following:

First: That three departments are hereby constituted in the zone occupied by the forces of the Convention under my command, for the carrying on of official business relating to political and administrative matters; one of these departments to have charge of affairs pertaining to Foreign Relations and Justice; another, of affairs concerning Interior Administration and Communications; and the other, of affairs relating to Finance and Industry.

Second: Said Departments will have their offices, for the present, in the City of Chihuahua, from where they will communicate with Headquarters and, as soon as possible, with the Provisional Government.

Third: These Departments, in accord with Headquarters, shall organize the services assigned to them, and shall appoint the personnel of the offices and carry on pertinent business, it being understood, however, that the distribution of their duties is simply of an economic nature, or convenience, because in matters of prime importance they shall all proceed jointly as a unity.

Fourth: As soon as communication between the Convention Government and the Army under my command is again established, these headquarters will submit to the former, for its ratification, the acts of the above-mentioned Departments.

Fifth: The following appointments are announced: Miguel Diaz Lombardo, in charge of the Department of Foreign Relations and Justice; Luis de la Garza Cárdenas, in charge of the Department of Interior and Communications; and Francisco Escudero, in charge of the Department of Finance and Industry.

Sixth: Civil and military authorities within the zone under my command will obey all orders issued by said Departments within the scope of their jurisdiction, in accordance with the Federal law providing for the organization of the departments of government.

FRANCISCO VILLA.

File No. 812.00/14536.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, March 9, 1915—1 p. m.

398. Starvation worse than ever on account of impossibility to obtain any means of transportation of food. I beg to suggest to you as the best way to improve the situation now and in the future that immediate steps be taken now with Carranza and afterwards with any factional leader dominating Mexico City, Vera Cruz and the intermediate points to consider the railway between this and the said port as absolutely neutral, every faction being obliged to give full guaranties for the same traffic of passengers and mails and the prompt transportation of merchandise. I would like to know your views.

CARDOSO DE OLIVEIRA.

File No. 312.11/5656.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

MEXICO CITY, *March 9, 1915—11 p. m.*

404. I have been requested by a committee of American citizens to transmit to you the following:

The American residents of Mexico City and vicinity in general meeting at the American Club in this city have considered carefully your cablegram to the Brazilian Minister [12] which reads, "attention is again called to the advice of the President that Americans leave Mexico until conditions become settled."

In reply we feel it our duty to explain why Americans generally cannot leave.

When the first advice came from Washington four years ago [13] many throughout the Republic left, some at complete sacrifice of work of years. The first revolution was victorious and many Americans returned. Another revolution occurred; the advice to leave was repeated and a second exodus took place with its inevitable hardships, losses and sacrifices.

Optimistic reports published in the United States afterwards brought many back to their abandoned homes and neglected business where these had not been destroyed. Third warning to leave which was still obeyed by increased numbers and greater sacrifice immediately after the American military occupation of Vera Cruz.

After the Huerta régime and on encouraging advices as to peace prospects in Mexico many individuals and families again came back to resume the work that had been perforce abandoned and the evacuation of Vera Cruz brought still more.

A fourth exodus of our people is now impossible considering the large number here and demoralized conditions of public order and transportation. Financial difficulties are also too great for the average family to leave again on a voyage of thousands of miles. The Mexican pesos have dropped from fifty cents American currency to thirteen cents during eight changes of the Supreme Power at the National Capital since the overthrow of Porfirio Diaz in 1911.

Thousands of Americans and other foreigners scattered throughout the country find it quite impossible to leave their all or abandon positions of trust in charge of properties or business of owners in the United States and elsewhere.

The Mexican political situation is more chaotic and helpless than ever. The foreigners of other nationalities, our neighbors and friends are now asking

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[12] Of March 5, 5 p. m.
[13] For. Rel. 1911, pp. 438, 460; For. Rel. 1912, pp. 720, 731, 738, 813.

what course is open for them if conditions are such as to render it necessary for Americans to leave and they look to Americans for counsel.

All foreigners—Americans, Europeans and others—came here under treaty and international rights by which our persons and property were assured of the protection common to civilized countries. By subscribing to certain treaties and international rights the Government of the United States assumed an obligation toward Americans as its nationals to the end that our persons and property be respected according to the letter of the obligation and international compacts by which the Mexican Government expressly agreed to give guaranties to foreigners residing in Mexican territory. We are engaged in lawful and useful occupations. We respectfully ask from our Government effective guaranties of those rights and no more. We quote from the platform adopted by the National Democratic Convention, Baltimore, in 1912: "Every American citizen residing or having property in any foreign country is entitled to and must be given the full protection of the Government of the United States both for himself and family."

If the foreigners should leave en masse it would be to repeat the late and sad experience of the Belgians. With many it means leave behind the savings and other interests of a lifetime and to arrive in United States or Europe virtually as charges upon public or friends. If all foreigners—business men, bankers, professionals—should leave at once it would cause paralyzing of what remains of the country's commerce and industry. Innumerable business houses, banks, and factories would close entirely; mines still working would suspend; oil production would cease; many of the most important public service utilities could not operate and the general suffering already severe would vastly increase. It would throw many worthy Mexican employees out of work and force them to choose between starvation or joining some one of the warring factions or plundering bands. The great majority of the fifteen millions of Mexican people unarmed and generally passive are victims of violent deeds committed under the guise of revolution and are praying for an end to the reign of disorder, bloodshed, rapine and destruction into which the Madero revolution has degenerated.

Owing to rigid censorship of mails and [telegraph] we cannot communicate these facts to our relatives and friends in the United States, and we therefore request that you give this statement to the press.

CARDOSO DE OLIVEIRA.

File No. 812.00/14550.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 10, 1915.*

The following communication in Spanish and English addressed to the President of the United States was received last night through the Secretary of Foreign Relations.

SILLIMAN.

General Carranza to the President.

I am in receipt of a communication of the 8th instant from the Honorable John R. Silliman, in which he transmitted to me the following from the text of his instructions from the Department of State:

"We have been anxious and perplexed over the statements in despatches from Mexico City regarding situation there and have concluded that the best course at present is for you immediately to see General Carranza and present a most earnest and emphatic note in the following sense.

"The Government of the United States has noted with increasing concern [and so on to the end of the text as printed in the Department's instruction No. 508 of March 6, 9 p. m., to the Brazilian Minister].

Although the terms in which this note is worded would afford me cause for not answering it, it is my wish, notwithstanding, that my silence be not construed as a justification of the charge contained in the same. I have tried to put aside for the moment the references which are made to my personal responsibility and, looking only to the good of my country and the benefit of the cause which the Mexican people have entrusted to me, I thought it my duty to

answer it at once. On the other hand, in view of the unusual importance of the subject of the aforementioned note, I have thought myself authorized not to follow this time the customary channels but to address you personally concerning a matter which may involve the success of the Mexican revolution.

In the note that I am answering it is taken for granted that the imputations made against General Obregon by an international committee of foreign residents in the City of Mexico, the substance of which had been also communicated to me by Mr. Silliman in his note of the 1st instant, are true; and this assumption has been indulged in when the answer to those imputations was being prepared.

Reserving the privilege of answering more fully and in detail through the customary diplomatic channels the note last referred to, I take this opportunity to state, in an earnest and emphatic way, that General Obregon has never intended to incite the hungry populace of the City of Mexico to commit outrages of any character. He has not prevented in any way the entrance of food supplies into Mexico City, but on the contrary he has facilitated such importation. He has not created wilfully the distressing conditions which prevail at present in the Cty of Mexco, but he has done everything in his power to alleviate them. Such a situation is the consequence, painful but unavoidable, of the state of war in which we are and which for the first time has really reached the City of Mexico; but it has been aggravated by the conduct of the merchants, who openly, defiantly and with concert of action closed their commercial establishments in the moment of greatest public distress, as a protest against the humanitarian relief tax that General Obregon imposed.

In the face of the charges expressed by the international committee in their complaint to the State Department, I point out to you the fact that General Obregon has been in possession of the City of Mexico from the 26th of January until today, without mobs, assassinations, looting or any other of the outrages which are apt to occur and which frequently do in time of war. During all this time large amounts of food supplies have been taken into Mexico City, and large quantities of supplies have been distributed among the distressed people, and besides, other important measures have been taken looking to further relief which I will in detail mention at the proper time.

While it is proper to state to Your Excellency that the right to occupy or evacuate Mexico City or any other place in the Republic must at all times be reserved and be exercised when deemed by the responsible military authorities to be in furtherance of the cause of the revolution, the obligation on the Constitutionalist Army to safeguard the lives of foreigners is nevertheless fully understood and realized. You will therefore permit me to assure you that at the time of the evacuation of Mexico City, every facility within my power will be afforded to all foreign residents in that city to depart the country or to go to other and safer places in the Republic.

I have always tried to give, and have given, the largest protection that has been possible to the lives and interests of Americans and other foreigners, even during the most difficult periods of our struggle. I have the purpose of continuing the same line of conduct and have decided to take all measures possible to avoid all damages to foreign residents. With this purpose solely in view, I addressed a note to the Diplomatic Corps in the City of Mexico, which I have repeated twice to them, inviting them in case of evacuation to come either to this port or to any of the cities, for instance Puebla, Jalapa or Orizaba, which are under the control of the Constitutionalist forces, where they can be assured perfect protection.

It was only three days ago that the State Department at Washington directed the attention of American residents in the City of Mexico to your former advice that they should retire from the country until conditions should be settled.[14] It is my most earnest wish that the other foreign residents will follow a line of conduct similar to the one suggested by you to the American residents, for the adoption of such a course would be the wisest measure that can be taken to avoid the consequences so much feared.

I wish I could adequately convey to Your Excellency the political and economic condition in the City of Mexico and their causes as they are understood and known here to be, concerning which representations by an international committee have been made to the State Department. Perhaps the last effort is now being made by the reactionaries to bring about complications which may cause the failure of the ideals of the Mexican revolution. After having

[14] Telegram to the Brazilian Minister, March 5, 5 p. m.

encountered and disposed of other and much more difficult and embarrassing situations in the past, when there were large numbers of foreign residents scattered all over the territory of Mexico, it will prove to be most unfortunate if now, when the City of Mexico is alone involved, a situation shall arise that will destroy the hopes and purposes of the Mexican people.

Because of this consideration permit me to repeat the hope elsewhere expressed that the foreign residents may be induced to save your Government and the Republic of Mexico from embarrassments by temporarily leaving the City of Mexico.

Allow me to avail myself [etc.]

V. CARRANZA.

VERA CRUZ, *March 9, 1915.*

File No. 812.00/14552.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 10, 1915—4 p. m.*

General Carranza intimated to me yesterday again that he did not understand the Department's position in having representations made in the interest of other nationals than those of the United States when these nationals have their own representatives in the persons of their consular officers here in Vera Cruz. He stated also that he is ready to receive such representations through his Foreign Office.

SILLIMAN.

File No. 812.00/14563.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, March 11, 1915—9 a. m.

410. General Obregon and his troops evacuated Mexico City last night. I have been informed some looting took place in Popotla but no general looting or disorder, certainly due to your opportune note which frustrated all plans. At present city under authority of municipal council and in good order.

CARDOSO DE OLIVEIRA.

File No. 812.00/14573.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 11, 1915—1 p. m.

Please deliver the following message from the President to General Carranza.

BRYAN.

The President to General Carranza.

I thank you for your message of the 9th of March, for the assurance it conveys and for your kind personal words. I beg that you will understand that if our messages are occasionally couched in terms of strong emphasis, it is only because they concern some matter which touches the very safety of Mexico itself and the whole possible course of her future history.

We seek always to act as the friends of the Mexican people, and as their friends it is our duty to speak very plainly about the grave dangers which threaten her from without whenever anything happens within her borders which is calculated to arouse the hostile sentiment of the whole world.

Nothing will stir that sentiment more promptly or more hotly or create greater dangers for Mexico than any, even temporary disregard for the lives, the safety or the rights of the citizens of other countries, resident within her territory, or any apparent contempt for the rights and safety of those who represent religion; and no attempt to justify or explain these things will in the least alter the sentiment or lessen the dangers that will arise from them.

To warn you concerning such matters is an act of friendship, not of hostility, and we cannot make the warning too earnest. To speak less plainly or with less earnestness would be to conceal from you a terrible risk which no lover of Mexico should wish to run.

File No. 812.00/14569.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, March 11, 1915—4 p. m.

411. Beg to inform that Zapatist forces occupied city this morning in perfect order and amidst popular enthusiasm represented by all classes. I immediately went to see the Post Commander to try to arrange immediately for transportation facilities to bring in the much needed supplies to relieve the people and at this meeting they promised that everything in their power will be immedately done to that end. The Zapatist chiefs expressed their appreciation and gratitude to the Diplomatic Corps for trying to help the city. They promised that they would do everything to maintain order and give protection to foreigners and nationals. The Relief Committee will meet this afternoon and Zapatistas will send a representative to ultimate details to obtain transportation.

Unhappily in contrast with the above, I am requested to mention the following facts. French Minister informs me that Zapatistas this morning assaulted the house of a Frenchman in Coyoacan, tying him to chair where he was severely beaten; after they had violated his wife the house was entirely looted. German Minister reports that three days ago Zapatists [omission] into the house of a German subject in Coyoacan where everything was also looted. British Chargé d'Affaires informs me that last night Zapatists forcibly entered the house of a British subject and looting and other disorders took place. At the present moment the city continues quiet and more Zapatist forces are getting in.

CARDOSO DE OLIVEIRA.

File No. 812.00/14552.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 11, 1915—6 p. m.

Answering your March 10, 4 p. m., the various representatives bring the troubles of their nationals to us and we have been anxious to do all we could to help them, but if our efforts provoke protest

from Carranza it is better to have the effort made through local representatives of their nations. You will however please assist these local representatives by counsel and advise and in any other way possible.

BRYAN.

File No. 812.00/14552.

The Secretary of State to the Spanish Ambassador.[15]

DEPARTMENT OF STATE,
Washington, March 11, 1915.

MY DEAR MR. AMBASSADOR: I enclose herewith, for your information, a copy of a telegram [16] from Mr. John R. Silliman, the Department's special representative at Vera Cruz, Mexico, in regard to an intimation given by General Venustiano Carranza that he does not understand the Department's position in making representations in behalf of other nationals who have their own representatives at Vera Cruz.

I am [etc.]

W. J. BRYAN.

File No. 812.00/14577.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

VERA CRUZ, *March 12, 1915—3 p. m.*

President's note was delivered to General Carranza this morning. At his request I read it to him in Spanish. There was no comment whatever. After pause I proceeded to discuss other matters with him.

SILLIMAN.

File No. 312.11/5656.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 12, 1915—4 p. m.

535. Please communicate the following to the American Committee:

Your message [17] has been laid before the President. He does not think it would contribute to the welfare of the Americans there to give your statement to the press. He asks me to assure you that we understand and sympathize with the situation of Americans in Mexico and share their concern; and that we are doing everything in our power to improve the situation. Your attention is also called to the fact that General Carranza in his dispatch [18] to the President after renewing his promise to exert himself to the utmost to protect the lives and property of foreigners, indorsed the President's advice that Americans

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[15] The same to the Ambassadors of Russia, France, Germany and Great Britain.
[16] Of March 10, 4 p. m.
[17] Transmitted by the Brazilian Minister March 9, 11 p. m.
[18] Of March 9.

temporarily remove from the City of Mexico to some place where they could be more effectively protected. General Carranza expressed the same desire in regard to other foreigners.

BRYAN.

File No. 812.00/14583.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 12, 1915—5 p. m.*

Department's March 11, 6 p. m., received and understood. Am sure the plan proposed would remove what appears to be annoyance. I will give my best effort in the line suggested.

SILLIMAN.

File No. 812.00/14553.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 12, 1915—5 p. m.

Brazilian Minister, Mexico City, reports March 10, information following outrages committed by Constitutionalists: house George Bryant, American citizen, Coyoacan, assailed; dairy of Costello Brothers, American citizens, looted March 10, loss half million; Swedish subject killed March 9, in his own garden without the least apparent reason; five Spaniards killed within the last four days; French citizen robbed; prominent Mexican killed and chauffeur wounded because car not stopped as promptly as desired; twenty-five policemen killed because they would not enlist in army.

Spanish Minister, this capital, reports killing three Spaniards, Mexico City, and states that all efforts to obtain punishment criminals have proven useless.

Bring all above to attention Carranza and ask to be informed immediately what action he purposes to take to punish the perpetrators of these crimes.

W. J. BRYAN.

File No. 812.00/14620b.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 13, 1915—5 p. m.

544. Please inform me if there are Americans or other foreigners desiring to leave City of Mexico. If any express such wish, arrange with authorities for transportation by most available route. We are asking Carranza's cooperation in shipment of food supplies and transportation of foreigners.

BRYAN.

File No. 812,00/14674.

The British Minister to Mexico to the British Ambassador at Washington.[19]

[Telegram—Extract.]

MEXICO CITY, *March 17, 1915.*

Minister for Foreign Affairs states that he is prepared to consider neutralization of Mexican railways. * * * None of us here have the vaguest idea of the state of affairs in the northern part of the Republic. I cannot but consider present improvement in situation as trifling and temporary, the real gravity of conditions has in no way diminished.

HOHLER.

File No. 812.00/14657.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, March 20, 1915—7 p. m.

445. I am requested to transmit to you the following resolution from mass-meeting of over 500 Americans:

The Americans resident in Mexico City in mass-meeting express their appreciation of the Secretary of State's message of March 12 as communicated to them by the Brazilian Minister.[20] However, they most respectfully submit that it is their fixed opinion derived from the past four years' experience that the time has come to accept the Mexican situation for what it is and not for what it might be hoped that it may become or what interested leaders or warring factions may try to represent it to be. The record is clearly written in facts which show the true value of the pretensions of contending groups.

They note the opinion of the President that he does not think it would contribute to their welfare to grant their request to make public their communication of March 9. They ask that it be made known to the President that it is their firm conviction that their duty requires them to take the people of the United States and of the civilized world into their fullest confidence and in the interests of humanity to lay before them the whole truth of the Mexican situation and in the performance of this duty they earnestly invite and ardently hope for the aid and cooperation of the administration. They desire in so far as they can to controvert the systematic representation of the Mexican situation to put an end to evasion and repression of the truth in regard thereto and especially as to their own situation and attitude. They are not surprised that General Carranza should renew his promise "to exert himself to the utmost to protect lives and property of foreigners" but they submit that the true value of this promise should be estimated by what General Carranza has done and decreed since his triumphal entry into the city of Mexico on August 15, last. The arbitrary taking from Mexicans and foreigners of property including houses, horses, automobiles, carriages, furniture, money and crops; the issuing of decrees so in contravention of right, fairness and justice as to be almost incredible; the deliberate, persistent and ill-concealed attempt to starve a city of half million inhabitants, depriving them of water, fuel and transportation; the shipping defenseless women in locked cattle-cars to Vera Cruz; the carrying away of the controllers of electric cars, thus paralyzing transit; the closing of the courts and schools; the holding of priests for ransom; the arrest and detention of 300 business men who had assembled at the request of the General in charge of Mexico; the persecution of Spaniards; the suppression of the mails and violation of

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[19] Copy left at the Department of State, March 18, 1915.
[20] Department's telegram 535 of March 12, 4 p. m.

sealed correspondence, both foreign and domestic; the removal of public archives and stripping of public buildings; the open invitation to riot and loot; the sacking of churches and desecration of images; the killing of men and the outrage of women, both foreign and Mexican—are events too recent and well-known to permit of their being overlooked in judgment. The wantonness of some acts renders it impossible to accept the professions of these factions or their counsels as to the course to be pursued by foreigners.

It is the earnest desire of the Americans in Mexico to assist the Washington Government to find a solution for the perplexing international situation that exists and to this end they request that their efforts be regarded as made in good faith and that their knowledge and experience of the Mexican situation be accorded full weight. They are willing to make sacrifices if through them any ultimate good may accrue to the Mexican people or American prestige but they feel that thus far the very opposite has been the result. They consider that American civilization is [omission] trial and has a duty to humanity which no longer should be postponed.

Mexico is drifting toward total destruction from which a mistaken altruism is powerless to save it. The present struggle does not represent the efforts of a people to secure liberty and civil rights so much as a clash of personal ambition and revenge.

Americans in Mexico look to the Administration for the protection which they believe it is their due to receive and the Administration's desire and unquestionable duty to afford; and they further respectfully express the hope that their views may be given such publicity as may effectively assist the American people in forming a sound opinion on the Mexican situaton.

The American committee requests to transmit also following for your information:

An Amercan newspaperman, correspondent of the Los Angeles Times, is now en route to the frontier for the purpose of making public an alleged reply to the President. The document he carries is spurious and it is suggested for this reason that it would be wise to publish the above.

CARDOSO DE OLIVEIRA.

File No. 812.00/14650.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

VERA CRUZ, *March 20, 1915—6 p. m.*

Department's March 12, 5 p. m., as to outrages at Mexico City following recent evacuation. Foreign Office today reply transmitting statement of Chief of Police.

First. Charge denied as respects Constitutionalists.

Second. Denied as having occurred up to time Chief left but positively states that there was no such property in or near Mexico City worth even hundred thousand.

Third. Not reported at police headquarters up to tenth.

Fourth. Same reply. One Spaniard killed but by a well known band of thieves.

Fifth. Not mentioned in reply.

Sixth. Admitted, but killed while driving rapidly at night and refusing to heed sentinel's third call to halt.

Seventh. Nothing known at police headquarters.

Eighth. Same reply in general. All charges denied and Foreign Office considers Department badly misinformed.

SILLIMAN.

File No. 812.00/14660.

VERA CRUZ, *March 22, 1915—1 p. m.*

My March 5, 3 p. m. Representation in compliance with Department's important March 3, 6 p. m., conveying sense of communication from the international committee City of Mexico, was made on the 5th. Reply conveying [covering?] nineteen pages received late Saturday, 20th. In general, no responsibility whatever admitted; charges of contributing in any way whatever to the distress of the city emphatically denied; Obregon vindicated in everything; reflection and insinuation made upon the conduct of the Brazilian Minister and French and German Consuls; strikers commended and laboring classes eulogized; the clergy criticised; no suggestion whatever made as to retribution. The situation in the city, communication with Mexico, declared to be entirely subject to military operations and it is stated there can be no other arrangements to open communication while the city of Mexico remains in the hands of the enemy.

SILLIMAN.

File No. 812.00/14669.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, March 22, 1915—5 p. m.

451. International Committee requests me to transmit the following:

Four years of almost continuous fighting throughout the various parts of the Republic has produced a condition of affairs in the food supply situation so serious as to threaten a famine of such proportions as to necessitate world-wide aid. The fact that farm hands have everywhere been drawn into so-called armies; that farm animals have been utilized for like purposes; that leaders of roving bands of marauders under banners containing fantastic legends about "liberty and the rights of man" which they use as a blind to facilitate robbery, pillage, murder, has so reduced the crop acreage that by November, 1915, there will be an estimated shortage of thirty-nine million bushels of corn alone, not to mention the other absolutely necessary cereals, are now well known to those investigators who have made a careful study of this phase of Mexico's ills.

That the effects of this wanton destruction are only just beginning to be felt is due to the great general richness of Mexico's agricultural regions where it is said that the farmer has but to scratch the soil and drop his seed while God and sunshine do the rest. But selfseeking and self-appointed military leaders have for so long a time prevented the farmer from even scratching the soil over so great an acreage that Mexico is about to reap the whirlwind she has sown.

Corn is the staff of life of Mexico as is wheat or its products in other countries. The harvest of this cereal for the present year should be ready about the first of November, that is eight months from the date of the printing of this report. Upon investigation we find that but five States of Mexico's twenty-seven have a sufficient supply to carry them over this. Oaxaca, Morelos, Tabasco and Chiapas probably have enough corn to last them eight months if the strictest economy is employed in using that stored. This will take care of a population of 1,700,000. Yucatan with a population of 350,000 produces no corn but has the money to buy it in the United States. This leaves the rest of Mexico, with a population of approximately 13,500,000 with a visible supply of approximately 675,000 tons, enough to last but three months, about next July. Then the real pinch of hunger will be felt throughout the length and breadth of Mexico.

What will then be necessary to relieve the consequent distress and prevent, perhaps, the death of thousands from starvation? In normal times it requires 1,800,000 tons of corn to feed these 13,500,000 over eight months. With the visible supply but 675,000 tons, this leaves a shortage of 1,125,000 tons or 39,375,000 bushels. This corn must be purchased from the United States. The present market price laid down at points along the northern frontier is 90 cents a bushel. If we allow 15 cents gold a bushel for distribution costs throughout the various ports of the Republic, we have a charge of $1.05 gold per bushel, which will necessitate an expenditure of approximately one million dollars gold to prevent a devastating famine. By that time the purchasing power of the Mexican peso will have dropped to 10 cents gold. So, due to the unconscionable, ignorant and selfish attitude of the military elements of all factions, Mexico will find herself called upon to expend some 413,000,000 pesos to prevent the larger part of her population from starving to death. Where is this money to come from? With a bottom-scraped treasury and a white-bled country, Mexico must throw herself upon the charity of the world at a time when the world's supply will be short.

Not only has the taking away of the man and the farm animal from the land produced these dire conditions but many instances have been reported where the different military commanders have actually permitted their horses and mules to feed on the young and growing corn in some sections where it may have been planted, while droughts in the north and east have completed the work of ruin inaugurated by these men. Stored grain has also been burned in considerable quantities by these vandals and the records show that in the face of all this some selfish military leaders have actually exploited exported grain to enrich themselves. Due to the paralysis of means of communication throughout a larger part of the Republic such stores of corn and grain as were raised and saved could not be transported from the regions of production to those of consumption, causing a waste of the too small stock on hand.

That these conditions are the direct result of the wanton and selfish attitude of the military leaders of different factions who claim to be fighting for the liberty of the people has been made most plain of late by the conduct of General Alvaro Obregon acting under the direct orders of General Carranza. General Obregon entered the City of Mexico on January 29 last. On the following day the water supply of the city was cut. The price of foodstuffs, already very high due to the depreciation in the purchasing power of Mexican currency, rose to exorbitant figures because General Obregon acting under the direct orders of Carranza endeavored in every way to prevent the introduction of food into Mexico City. Not only did he refuse the City Council railway cars for transporting such stocks as were available in regions contiguous to the capital and controlled by his troops, but he ordered his outposts to confiscate such as were brought in from neighboring regions on the backs of animals. There is an abundance of evidence pointing to the fact that this inhuman conduct was part of a deliberate campaign to starve the populace into enlisting in his army.

When the inevitable consequences of the plan began to evince themselves and the people cried for food General Obregon addressed them through the press and by means of printed matter informing them that the shortage was due to speculators and to the selfishness of the rich classes. He immediately decreed a special tax levy of twenty millions to relieve what he had the effrontery to characterize the desperate situation of the city's poor. When the merchants refused to pay this tax he invited the rabble to take what they could get by looting, informing them over his signature that if this general looting began he would march out of the city with his troops, not firing a single shot to prevent the mob from taking what they wished. But the people were not deceived. They refused to be his tools and the merchants of the foreign colonies raised a relief fund of more than a half million in a few days' time by voluntary subscription and the acute stage of the crisis passed.

Prices of food in Mexico City are two and three hundred per cent higher than in normal times and still rising due to the very machinations of military leaders of the type of Obregon, which, unfortunately, includes practically all. What is true of the food situation applies also to the fuel situation. The spirit which will starve a people for personal gain or selfish military ambition does not make for liberty or democracy. Mexico must reap as she has sown, and unless the anarchy, chaos and desolation which prevail in all parts of the Republic under the guise of liberating armies is remedied the world will wit-

ness a spectacle which will be as a page torn from the history of the middle ages.

CARDOSO DE OLIVEIRA.

File No. 812.00/14674.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 23, 1915—5 p. m.

Uninterrupted railway communication between Vera Cruz and Mexico City is of utmost importance. Mexico City authorities have expressed willingness to consider neutralization of Mexican Railways in order that passenger and mail traffic may be resumed.[21] Take up with Carranza and point out that his favorable consideration of plan would be universally approved.

BRYAN.

File No. 812.00/15106.

The Special Envoy from President Gutierrez to the Secretary of State.

WASHINGTON, *March 24, 1915.*

SIR: My note to your excellency expressing my mission to the United States as the Envoy of President Gutierrez of Mexico, will be handed to you personally by the General Counsel of the Mexican Government in the United States, Joseph R. Wilson Esq., of Philadelphia, who will give your excellency any further information that you may desire in connection with said note.

With high esteem [etc.]

JOSÉ VASCONCELOS.

[Inclosure 1.]

The Citizen Provisional President of the United States of Mexico, General Eulalio Gutierrez, in consideration of your patriotism has ordered your appointment as General Representative of the Government of Mexico before the Government of the United States of America, with all the faculties of an Especial and Extraordinary Envoy, with power to act as superior officer over all the diplomatic representatives, consuls or agents of any rank who may be acting for this Government in the said United States of America.

Which I communicate to you for your guidance, protesting to you my esteem.

E. GUTIERREZ.

CITY OF DOCTOR ARROYO, NUEVO LEON,
February 23, 1915.

To the CITIZEN JOSÉ VASCONCELOS,
Attorney at Law and Secretary of Education.

[Inclosure 2—Extract.]

Special Envoy Vasconcelos to the Secretary of State.

WASHINGTON, *March 24, 1915.*

SIR: Acting under instructions of President Gutierrez of Mexico, I have the honor to submit the following:

After the overthrow of Huerta, the Revolution in Mexico ended by forming a Convention in which all the chiefs and generals of the victorious army met together and elected a

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[21] See telegram of March 17 from the British Minister to Mexico.

President. A new Government was thus formed with General Gutierrez as the head of it, and the Government of the United States was properly notified through its special agent, Mr. Leon J. Canova.

[Review of political and military events.]

The Convention of Aguascalientes that had elected Gutierrez President, came in a body to Mexico City with Gutierrez. At the last meeting celebrated in Aguascalientes it was decided that the Convention would reassemble in Mexico City on the first January, 1915, and that a previous call for the first meeting would be published, signed by a permanent committee, which committee was duly appointed. * * * At that time, President Gutierrez had no troops in Mexico City, and he was depending, for the execution of his orders, only on the troops of Villa and Zapata, with the result that President Gutierrez was never consulted and always disobeyed whenever Villa or Zapata decided to execute some one of their enemies, or to exact money from any of the residents of the country. In view of this situation, the permanent Committee of the Convention left Mexico City for San Luis Potosi, the headquarters of President Gutierrez' own troops. When the delegates to the Convention arrived at San Luis Potosi, they found that Villa was preparing to send troops after them. They then left for Vanegas, in the State of San Luis Potosi, and from there they issued a statement which was wired to all the delegates of the Convention, to all the authorities in the country, and I believe to the United States' press, declaring that the Convention of Aguascalientes could not reassemble in Mexico City the first day of January of the present year, as had been agreed upon, because the troops of General Villa and Zapata did not afford protection, as already two of the members of the Convention had been shot by the aforesaid Generals and many delegates had to flee to avoid the same fate. President Gutierrez therefore decided at the end of December to depose Villa and Zapata, and he began to send special agents to all the governors and military chiefs of the country, notifying them of his intentions.

In the meanwhile, Villa and Zapata called together a group of their personal friends and endeavored to organize with them a Convention, to substitute the Convention of Aguascalientes and if possible to take its name and legal capacity. On the first of January, 1915, this group of Villa's and Zapata's friends, headed by Villa himself, by Rodolfo Fierros, the murderer of Benton, and many others, met in the building of the Mexican Congress, and declared itself a Revolutionary Convention. This new convention did not contain more than twenty-five delegates from the original Aguascalientes Convention.

This group of men offered President Gutierrez the ratification of his appointment as Provisional President of the country. This offer President Gutierrez refused to discuss, as he did not want to acknowledge any rights in these men, who were trying to usurp the Convention of Aguascalientes. At the same time he did not want to protest openly against their acts until he was ready to carry out his plan of deposing Villa and Zapata, and to announce to the public the manner in which both of said generals had succeeded in preventing the Convention of Aguascalientes from continuing its work. On the 17th of January, 1915, President Gutierrez called a meeting of his Cabinet; Ministers Blanco, Robles, Felicitos, Villareal, Gama, and Vasconcelos were present. Gutierrez reported that it had become indispensable for the Government to dismiss Villa and Zapata from its service; that he counted on the support of Villa's own generals; and that he was sure that the Carranza generals would comply with their promise to recognize the Gutierrez government as soon as Villa and Zapata were deposed.

Mexico City, where this Cabinet meeting took place, was occupied at the time by 6,000 or 7,000 of the Zapata troops and about 7,000 of the Villa troops. General Robles, Minister of War, informed the Cabinet that he could count on the loyalty of some 3,000 troops, but as this was not enough to protect the Government, he advised that the seat of government be changed to the city of Pachuca, some 60 miles distant from Mexico City. General Robles further informed the Cabinet that he had received information that Villa had ordered the arrest and execution of President Gutierrez and his Cabinet the moment they tried to leave Mexico City.

At this meeting President Gutierrez, supported by all of the Ministers present, ordered the deposition from command of Villa and Zapata, and addressed a communication to the so-called Revolutionary Convention, stating that he refused to acknowledge it or its authority, as it did not represent even 20% of the Convention of Aguascalientes and had assembled without any proper call from the permanent Committee of the Aguascalientes Convention, and also because the delegates to the Convention of Aguascalientes had been unable to reassemble in Mexico City on account of the murders and atrocities of Villa and Zapata.

When the meeting ended it was 3 or 4 o'clock in the morning, and the President, with the other members of his Cabinet and some 3,000 troops, left for Pachuca. On his arrival at Pachuca, the President and his Cabinet were received by the Governor of the state, who placed all his troops under the command of General Robles, Gutierrez' Minister of War. General Victor Elizondo, Governor of Aguascalientes, immediately thereafter manifested his decision to support President Gutierrez and to receive orders only from him. General Villa promptly had him arrested and shot, and the government of the state was placed in the hands of one of Villa's officers. General Elizondo was the first victim of Villa in his rebellion against the Mexican Government.

In order to join the main body of his troops, which was located at San Luis Potosi, President Gutierrez left Puchuca on horseback, accompanied by his Cabinet and loyal troops.

When he arrived in the vicinity of San Luis Potosi, about 20 days later, he found that the city had been captured by Villa's troops. From that time up to the present, President Gutierrez has been organizing his troops and has established his Government in the City of Doctor Arroyo, State of Nuevo Leon. From this place he is directing affairs, and has under his command a considerable army, composed of the original troops of Generals Blanco, Robles, Benavides and others. He is also in close touch with General Carrera Torres, who has over 10,000 men in the southern part of Tamaulipas, and with General Cedillo, who has about 8,000 men in the eastern part of San Luis Potosi. Both of these last-named generals are also faithful to the Government of the Convention of Aguascalientes.

In presenting all of these facts to the State Department of the United States, which I have the honor to do, I am acting under the special instructions of President Gutierrez, he having clothed me with proper credentials, of which I

enclose translated copies. I also avail myself of the opportunity to enclose a translated copy of the Manifesto [22] issued by President Gutierrez, explaining the situation of the Mexican Government and its attitude toward Carranza, Villa and Zapata.

President Gutierrez, whose Government represents the will of the party of the Revolution of Mexico, is perfectly informed of the attitude of the United States Government towards his country. The fact that the United States' policy has been one of non-interference in Mexican affairs has reaffirmed the bonds of friendship which for many years have united the two neighboring nations.

President Gutierrez will at the first opportunity reassemble the Conventionn of Aguascalientes, and before that legal body he will offer to resign his power, in order to leave the Convention free to elect as President any man who may answer to the necessities and the rights of all of the Mexican people.

It is my duty to call your attention to the fact that President Gutierrez has a just claim to universal respect, inasmuch that during his administration in Mexico City and thereafter not a single complaint has been filed against him or his lieutenants, either from natives or foreigners. He has shown respect for the law and human life, and has tried to bring about peace by peaceful means, and not through war.

All of which is respectfully submitted to the American Government on behalf of the Government of Mexico by [etc.]

J. VASCONCELOS.

File No. 812.48/2152a.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 25, 1915—7 p. m.

580. Information received from various parts of Mexico and especially from Mexico City indicates a scarcity of food and a great danger of famine, due in part to shortage of supply, in part to interruption of communication and in part to the withdrawal of large numbers from productive activity. You will please lay the matter before Garza and say that this Government feels it its duty to urge upon him the importance of making inquiry as to the present and prospective food supply. The present situation, deplorable as it is, will be greatly aggravated if the distress of famine is added to the horrors of war. General Garza will understand what the judgment of the civilized world must be if wholesale famine falls upon the land as a result of the inability of the factions to get together and form a government under which the ordinary occupations of life can be resumed.

BRYAN.

File No. 812.00/14708

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, March 26, 1915—11 a. m.

458. I have been requested by a committee representing The Society of the American Colony and a mass meeting of American citizens,

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[22] See ante.

which gives as its reason for the request the absolute lack of postal communication with Washington and the impossibility of telegraphing freely because of the strict censorship over telegrams by the Carrancista authorities at Vera Cruz, to transmit to you the following:

Joint Committee American Colony Society and mass meeting Americans preparing for submission Washington detailed report pertinent facts regarding conditions Mexico during past twelve months. This report they state once for all is based solely on their earnest desire aid their Government in getting true light situation here. Chapter on lack necessities and imminent danger famine forward verbatim separate telegram. Following is digest other conference.

Taxation. Preexisting laws repeatedly stretched and misapplied without legislative, judicial, administrative or other sanction except military greed, whim or vengeance under transparent guise of public good or necessity. Also extraordinary and highly obnoxious duties imposed with summary payment and excessive penalties. Results this taxation do not further justify revolution, still less support stable government and provide means governmental protection, but rather stimulate personal rivalry and hunger for continued disorder. Taxpayers' money goes buy arms pay men and enrich officers, their followers, thus serving prolong present chaotic conditions.

Currency and stamps. Huerta commenced tampering with banking law and currency system authorizing reduction already small specie reserve required national banks and increase former large bank-note issue. Constitutionalists first, then various subdivisions revolutionists, and finally individual generals printed by force of arms put into circulation unsecured paper money almost unlimited amount. Various factions soon began declare null all issues except their own. This still continues. Naturally gold, silver and fractional coin even inflated, buying disappeared. All now fiat paper and what good and enforced today tomorrow void and forbidden. Poor and employee class suffer most. Foreign exchange rate fell during year forty to eleven, cost living increased nearly proportionally. Unlicensed manufacture bills proceeds, unrestricted amount now circulating incalculable; stamps, both revenue and postage, issued as freely as so-called government bills and as unconscionably repudiated.

Courts. August last year all courts Federal and [omission] forcibly dissolved and all pending matters suspended indefinitely. Provisional courts, with local jurisdiction for new business only and no appeal, established September dissolved January. No constitution remedies enforceable for seven months and no justice whatever dispensed during greater part of that.

Mail and telegraph. Periods of weeks even months have elapsed without mail service domestic or foreign although conditions communications made delivery possible. International Committee representing seventeen foreign colonies recently petitioned Carranza through Diplomatic Corps to have foreigners mail forwarded from Vera Cruz. Only answer was order close post office here. Correspondence violated and private telegrams unreasonably censored and maliciously altered at Vera Cruz. Press dispatches suppressed and falsified thus concealing facts and forcibly misguiding opinion abroad.

International protest. Due to the illegal and extortionate taxation imposed, leading foreign colonies organized committee to defend their interests against abuse and outrages. On recommendation this committee practically all foreign business houses including all banks closed for a period of eighteen days resulting virtual paralysis all commerce. Committee activities generally approved and it continues to act response public demand.

Miscellaneous. Aside from chapters specified, report will include general observations and describe details taking possession by authorities foreign owned or controlled railways, tramways, express, telephone; also outrages committed on foreigners and their property, on church and clergy; also removal government archives and despoiling government treasury including securities deposited in trust by foreigners; also deceit and political machiavellism practiced on working classes and deliberate attempts to incite riots and pillage.

CARDOSO DE OLIVEIRA.

File No. 812.00/14657.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, March 26, 1915—3 p. m.

582. You may reply as follows to the Americans for whom you transmitted a resolution in your March 20, 7 p. m.

The resolutions adopted at a mass-meeting of Americans and transmitted by the Brazilian Minister in his despatch of March 20 have been laid before the President.

This Government is doing everything in its power for the protection of Americans and other foreigners in Mexico City and will continue to do so. It will deal with each new situation as it arises and lend its most earnest efforts to the relief of hunger and suffering from whatever cause.

It is not willing, however, to increase the embarrassments of the situation or to bring new dangers upon those present at the meeting by giving publication to the language employed in the resolution concerning the leaders of the various factions.

BRYAN.

File No. 812.00/14660.

DEPARTMENT OF STATE,
Washington, March 26, 1915—4 p. m.

584. Your 380, March 2, midnight. Silliman reports Carranza in reply admits no responsibility. Obregon upheld. Liability for distress Mexico City denied. Criticizes conduct French and German consuls and yourself. Strikers and laborers eulogized. Clergy criticised without allusion to restitution. Railway communication with Mexico City subject military operations through traffic inadmissible while capital in enemy's hands.

W. J. BRYAN.

File No. 812.00/14703.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, March 26, 1915—midnight.

459. Your 580, March 25, 7 p.m. Everything about coming famine as per my 451, March 22, 5 p. m., absolutely true. For this reason and others—including my [omission] of finding a way to mitigate the situation for foreigners and noncombatants in regard to food guaranties, for life and property, means of transportation and postal and telegraphic communication with the outside world, so as to give them the benefits of civilization of which they have been so unjustly deprived for so long—I had conference yesterday with the President and mentioned to him the idea of neutralizing the Vera Cruz highways and the cable service and reminded him [of] that of Federal District, the last being an idea suggested by him some time ago. President warmly adopted these ideas promising to do everything in his power to push them up and have them real-

ized as far as it depended on him. He today made following declarations to the press in which, after stating that this project was inspired by the noble principles of humanity and patriotism and had been under his consideration for some time, he said:

The study and consideration of the project I have taken up in the fervent desire that this capital no longer suffer the horrors of war. In case my efforts are fruitful neither this capital nor the Federal District will witness any hostilities between combatants. The struggle will continue in other sections of the country until a definite triumph has been attained. If the neutralization of the capital and vicinity is secured all factions will solemnly undertake that no troops of the respective sides will occupy this section. My Government, in case of the neutralization of the nation's capital and the Federal District, will be removed to a site chosen by the Convention. The city of Mexico in such a case will be placed in the power of a governor who will be strictly neutral and who probably will be designated in accord with both parties. The Municipal Council, if my plans do not go astray, will obtain ample facilities to manage the civil affairs of the capital. Should this important measure be brought to a successful conclusion the capital would in no sense be isolated from the rest of the Republic. Trains in every direction would be run regularly. This is a delicate matter. Perhaps my opponents may not be induced to collaborate with me to consummate the noble end in view. For my part I am disposed to sacrifice everything for the welfare of the fatherland. My earnest wish is that this struggle be terminated and that the Mexican people be enabled once more to take up a united labor for the aggrandizement and common good of the country.

I consider the scheme well under way towards realization and perfectly feasible if Department would only efficaciously urge upon Carranza to accept it along the lines suggested, excepting that the government of the Federal District be left in the hands of the City Council in accordance with the principle of autonomy of municipal bodies proclaimed by the Revolution, and never left to a governor appointed in accordance with both parties as mentioned by Garza, because this might cause such a hitch as to kill the entire project on account of disagreements between factions as to the person of the appointee. To avoid this I beg to suggest that the Department try to prevail upon Carranza to let [sic] the City Council in charge of the Government while I will use my good offices near Garza to the same end. This plan will greatly contribute to the peace of mind and well-being of the principal center of the Republic and therefore would be the first decisive step to facilitate the general pacification of the country by affording a place of refuge to all foreigners and non-combatants.

News published here, whether true or false, that the American Government is strongly urging Carranza to accept the neutralization of the Vera Cruz Railway, created an excellent impression on the public, the Diplomatic Corps and foreign colonies, all desiring very earnestly that the neutralization of said line and the Federal District be realized, so Diplomatic Corps could remain with guaranties of respect and comfort and, lines of communication being kept open, would of course address themselves [to] and treat with the different factional leaders in their respective capitals.

I anxiously desire to know if you approve of my views and steps and if you are disposed to cooperate in the execution of the plan as suggested.

CARDOSO DE OLIVEIRA.

File No. 812.00/14720.

BRAZILIAN LEGATION,
Mexico City, March 27, 1915—6 p. m.

464. Your 584, March 26, 4 p. m. The denial by Carranza of such true charges constitutes an insult to the Government of the United States, some colleagues and myself. I do not know how you regard it, but as far as I am concerned I would like to be urgently telegraphed the full text of Carranza's reply or at least the part which contains the criticism against myself. While waiting, what I can assert most emphatically is that the attitude of the Diplomatic Corps here and mine has been during such trying state of things as moderate, true, cautious and loyal to their Governments as that of any similar body in any country under similar conditions if ever any country found itself in such situation, probably unique in the history of the world in modern times.

CARDOSO DE OLIVEIRA.

File No. 812.00/14721.

BRAZILIAN LEGATION,
Mexico City, March 27, 1915—6 p. m.

465. The Convention, now composed in its majority of Zapatistas under the influence of extremely radical leaders, some time ago passed a resolution forbidding present President from being elected Provisional President at the elections which are to be held by them April 20. Without Villa's full representation to counteract such majority, said resolution would mean Garza's deposition and the election of some unknown Zapatista leader. And I have reason to believe that when this happens, or even before, the northern delegates now here will move to some place in the north taking with them President Garza. This would again leave Mexico City entirely to the Zapatista faction which is quite powerless to prevent a return of Carrancistas, now reported in the vicinity of city.

It is therefore greatly desirable that the plan contained in my 459, March 26, 12 [midnight], be accepted at once by Carranza inasmuch as Garza told me today it would meet no objection from Villa and Zapata parties.

CARDOSO DE OLIVEIRA.

File No. 812.00/14736.

BRAZILIAN LEGATION,
Mexico City, March 29, 1915—7 p. m.

471. My 465, March 27, 6 p. m. The crisis came to a climax sooner than I expected, the Convention having decided to move to Chihuahua with President Garza. The latter told me he will start in a few days leaving all departments including Foreign Office working in connection with him. He added that in so doing he thought to facilitate to a great extent the realization of his project of neutralization of the Federal District as his absence from here would overcome the pretext for a new occupation of the capital by Carrancistas. Once more he showed himself full of good faith towards United States and Diplomatic Corps. I am informed from other sources

that some members of the Convention, dissatisfied with above-mentioned decision, had obtained an order from General Zapata for his forces, which are the only ones here, to prevent Garza's and Convention's departure.

CARDOSO DE OLIVEIRA.

File No. 812.00/14764a.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington March 29, 1915—7 p. m.

In view of the embarrassments which Mexico City seems to present to those who attempt to hold it without being in control of the entire country, and also because of the great danger of international complications arising from the number of foreigners in the city, it has been suggested that the city itself be declared a neutral zone, its neutrality to be respected by all factions and the control of the city to devolve either upon a governor to be agreed upon or, preferably, upon the City Council, which is a local body. This recommendation is earnestly commended to the consideration of Carranza. Will you please present the matter at the earliest opportunity and let us know the impression that it makes.

It would be very desirable also to neutralize the railroad from Vera Cruz, to Mexico City, but this, while important, is not so imperatively necessary as neutralization of Mexico City.

BRYAN.

File No. 812.00/14764b.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington March 29, 1915—7 p. m.

In view of the embarrassment which Mexico City seems to present to those who attempt to hold it without being in control of the entire country, and also because of the great danger of international complications arising from the number of foreigners in the city, it has been suggested that the city itself be declared a neutral zone, its neutrality to be respected by all factions and the control of the city to devolve either upon a governor to be agreed upon or, preferably, upon the City Council, which is a local body. This recommendation is earnestly commended to the consideration of Villa. Will you please present the matter at the earliest opportunity and let us know the impression that it makes.

It would be very desirable also to neutralize the railroad from Vera Cruz to Mexico City, but this, while important, is not so imperatively necessary as neutralization of Mexico City.

BRYAN.

File No. 812.00/14703.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, March 29, 1915—8 p. m.

596. Answering your 459, March 26, midnight: Your suggestion in regard to neutral zone is cordially approved and has been transmitted to Carranza and Villa with an earnest recommendation that it be agreed upon. Am very much gratified that you have secured the consent of Garza.

BRYAN.

File No. 812.00/14773a.

DEPARTMENT OF STATE,
Washington, March 30, 1915—6 p. m.

599. Your 464, March 27, 6 p. m. The following three telegrams are communicated to you for your information.

[Quotes (1) telegram to Silliman, March 12, 5 p. m. (2) Silliman's reply, March 20, 6 p. m. (3) Silliman's March 22, 1 p. m.]

Will send you language referring to you when report is received.

Do not think for a moment that we approve of Carranza's denial, or question the correctness of your reports. We simply sent you the Carranza statement for your information and feel that the complaints made, while denied by the Constitutionalists, will have a beneficial influence as a preventive.

W. J. BRYAN.

File No. 812.00/14746.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 30, 1915—7 p. m.*

Department's March 29, 7 p. m. It is respectfully deemed inadvisable to present recommendation to neutralize Mexico City, for the following reasons.

First. The Zapatistas being in possession, the Constitutionalists, while not at present affected or concerned, would almost surely refuse to anticipate their future action.

Second. In view of all the circumstances it cannot but be considered a matter of the utmost importance to secure uninterrupted mail and railroad traffic with Mexico City. This might possibly be undertaken with greater hope of success than neutralization for the city, which has been heretofore proposed at different times but each time given up as impracticable.

Third. Should the Department think otherwise, it is nevertheless respectfully suggested that it might be unwise to affirmatively state that neutralized travel by railroad is less important than neutralizing the city inasmuch as the Constitutionalists are at present powerless to help in the one instance but could contribute to the other because they control the greater part of the railroad.

Fourth. The instruction as now worded, minimizes the great importance of uninterrupted railroad communication and will therefore seriously affect the weight of the representations already in progress here through the British Consul at the instance of the British Ambassador at Washington as to returning the railroad property to its British owners.

Have consulted Mr. Richards in the preparation of this cablegram. Department's further instruction awaited.

SILLIMAN.

File No. 812.00/14746.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 31, 1915—10 p. m.

Your March 30, 7 p. m. If neutralization of railroad is likely to be acted upon immediately, you may delay presentation of neutralization of the city, but it would be very unfortunate, after what has occurred, to have Obregon return to capital. Neutralization of city of Mexico has no necessary connection with neutralization of the railroad. In view of the number of foreigners in the city of Mexico, neutralization there would seem to be more important, but there is no reason why you should not urge neutralization of both city and railroad with the view of securing either or both. The foreign population of Mexico would be greatly alarmed by another transfer of authority.

BRYAN.

File No. 812.00/14775.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram—Extract.]

BRAZILIAN LEGATION,
Mexico City, April 3, 1915.

482. Your 599, March 30, 6 p. m. Thanks for your information and kind words in last part.

CARDOSO DE OLIVEIRA.

File No. 812.00/14794.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *April 5, 1915—5 p. m.*

Referring to previous cablegram the following is a résumé of the conferences in regard to the neutralization of Mexico City and neutralization of the Mexican railroad or its return to the company.

Position of the Constitutionalist Government:

1. The Constitutionalists, not being in the possession of the City of Mexico, are unconcerned as to the situation there, unaffected by it and indisposed at this time to commit their Government to any future policy in the matter.

2. Therefore and for military operations and because neutralization is considered by them as otherwise impracticable, reference being made to the clash between the neutral police and the military in August last and to the guaranteed neutrality of Naco, the Constitutionalists further disinclined to consider at this time the neutralization of City of Mexico.

3. While regretting the isolation and any other inconveniences or sufferings afflicting the foreign residents of Mexico City, it must nevertheless be remembered in so far as Americans are concerned that they persist in remaining after the repeated recommendation of their own Government that they retire from the country and after the expressed wish of the Constitutionalists, in order solely to avoid the consequences, that they comply with such. The Constitutionalists are ready at any time to afford such facilities as they can to any foreigners who may desire to leave Mexico City. If they choose not to leave they must endure the same condition endured by our own nationals.

4. The Constitutionalists deem the operation of the Mexican railroad for the purpose and in the manner in which it is now operated of more consequence than an agreement to resume and to maintain communication with Mexico City and that the one precludes the other.

5. Under the Mexican laws the Constitutionalists claim the right, as an exigency of the revolution and as subject to future reclamation, to take possession of the Mexican railroad with all its belongings and appurtenances and to operate it both for military and for commercial purposes.

6. Any interference whatever with the Constitutionalists in the exercise of this right by one foreign power or by a combination of foreign powers would be considered as an act unfriendly to the Constitutionalists cause.

On the other hand:

1. For the reasons given and pending definite instruction to the contrary, the further discussion of the neutralization of Mexico City at this time is waived.

2. The argument for the return of the Mexican railroad to the company is understood to be in support of the representation made to the Constitutionalist Government by His Britannic Majesty's Consul at Vera Cruz on the 29th day of March, 1915, in compliance with telegraphic instructions received by the Consul on that date from His Britannic Majesty's Ambassador at Washington.

3. It is suggested that the military plans of the Constitutionalists would not necessarily suffer by the return of the railroad to the company, for the company has expressed its willingness [omission] the Constitutionalists in their military operations. It is claimed by the company that, being the owners of the road and its equipment, and its general manager and other employees being professionally fitted for the business of operating railway and their long service and experience with the company peculiarly fitting them for the operating of the particular railroad, the company is therefore as well qualified as, or possibly better qualified than the Constitutionalists themselves to give efficient continued service to the Constitutionalists in their military movements.

4. In the representation for resumption of communication it is not contemplated or expected that complete service can be rendered

but only such daily service as will offer the least interference with the military operations of the Constitutionalists and subject in the territory that jurisdiction to such regulations as they may deem necessary, it being understood that the service will receive the same protection as if it were under the direct operation of the Constitutionalists themselves.

5. It is respectfully suggested that it is not to be presumed, regardless of the circumstances giving rise to the fact, that the Powers, in view of the fact that approximately 24,000 of their nationals, including their diplomatic representatives, are at present living in the City of Mexico, can look upon their isolation and other possible distressing afflictions except with the greatest concern and the greatest desire to relieve them.

6. It is respectfully suggested that it is not to be presumed that the Powers would be willing, in the [omission] of one, or more than one, of the contending parties to a lamentable civil strife in Mexico, to silently consent to an indefinite prolongation of the present isolation and other possible distressing afflictions which their nationals including their diplomatic representatives in the City of Mexico are now suffering.

7. In view of all the circumstances, in view of previous verbal and written representations, in view of the great desire of foreign governments that communication with the City of Mexico be resumed, in view of the future interests of the Constitutionalists themselves, it is most respectfully but most earnestly suggested that the Mexican railroad be returned to the company for operation, that permission be granted for daily communication with City of Mexico and that an early date be named for the resumption of the service.

SILLIMAN.

File No. 812.00/14794.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 7, 1915—5 p. m.

618. Department just informed Carranza will not agree to neutralization Mexico City or railway between Vera Cruz and Mexico City.

W. J. BRYAN.

File No. 812.00/14824.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *April 9, 1915—7 p. m.*

Referring to my April 5, 5 p. m. In the informal conferences the Constitutionalist rejoinder to the argument for a return of the Mexican Railroad to the Company and for resumption of communication with Mexico City may be summarized as follows:

First. The railway administration and service at present is entirely military. It is subject to strict military orders and discipline.

Should there be any unwillingness, neglect or disobedience or any suspected disloyalty, appropriate punishment can be immediately inflicted, even execution if necessary. This would not be practicable if the Company were operating the road with their own administration and their own service.

Second. Whether the Constitutionalists or the Company were operating the road, it would be wholly impossible in spite of every restriction to prevent the passing back and forth of spies and correspondence that would convey to the enemy a knowledge of the Constitutionalists' affairs, plans and military movements.

Third. Railroad service between points which are respectively within the lines of the opposing forces is entirely without precedent, and the Constitutionalists cannot consider it.

Obvious conclusions from the informal conferences:

1. The Mexican Railroad will be operated indefinitely by the Constitutionalists.

2. The discontinuance of train service with Mexico City will continue until such time as the Constitutionalists deem proper.

3. It is my opinion, in which Mr. West concurs, that if the road is to be returned to the Company at any time soon, or if railway communication between Vera Cruz and the City of Mexico is to be resumed at any time soon, neither the one nor the other is to be expected from the voluntary action of the Constiutionalists, even if they occupy Mexico City.

SILLIMAN.

File No. 812.00/14890.

Special Agent West to the Secretary of State.

[Telegram.]

MEXICO CITY, *April 19, 1915.*

Satisfactory conference with Zapata April 16. He wishes to send a commission of three to five members to Washington for the purpose of explaining the facts relating to the revolution of the Convention, and its objects; also with the view to secure recognition from the United States. He wishes to know if the President will receive and give hearing to such a commission. I expressed the opinion that it would be received and promised to make inquiry and advise him of the answer. Please wire me if the President will receive and hear such a commission.

WEST.

File No. 812.00/14890.

The Secretary of State to Special Agent West.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 22, 1915.

Please say to Zapata that the President cannot consistently receive a delegation from Zapata. He has not received a delegation from any of the contending factions in Mexico. You are at liberty

to bring such a statement of their views as they desire to present; or I, as Secretary of State, shall be pleased to receive them and hear any representations which they desire to make.

BRYAN.

File No. 812.00/15087.

The Brazilian Minister to Mexico to the Secretary of State.

BRAZILIAN LEGATION,
Mexico City, May 7, 1915.

SIR: I have been requested by the American Society of Mexico and the International Committee to transmit to you the following document:

The American Society of Mexico and the International Committee of Foreign Residents unite in an expression of thanks and appreciation for the efforts made by the American Government and representatives, through which thirty-four sacks of foreign mail have just been received here from the accumulations at Vera Cruz, the first from there since February.

Urgent appeal is hereby made to the Washington Government that effective steps be taken to put the capital city of Mexico again into communication with the world by the reopening of at least one railway line for traffic to Vera Cruz or the northern border. Isolation has been almost complete since the beginning of the present year. The movement of passengers, freight and mails has been stopped and private cablegrams are unwarrantably censored.

The capital is suffering a lingering death. The indifference of those engaged in the present warfare of factions toward the necessities of the great majority of the people of Mexico, native and foreign, is daily bringing about greater complications, which will render a solution of the Mexican problem still more difficult.

The food situation is acute and there is much suffering in the city. Flour is selling up to one peso per pound (equal to the daily wage of a common laborer, who cannot indulge in such food); meat also up to a peso per pound, and corn twenty-five centavos a pound. Many articles of medical supplies in the city are exhausted and hospitals have been stripped of surgical instruments by outgoing troops. There is urgent need of carbons for street lamps and of other articles vital to public health and protection.

The Washington Government two months ago renewed its advice that Americans leave Mexico until conditions become more settled and followed it with the suggestion from General Carranza that other foreigners also leave Mexico City. Unfortunately there has been no way open to act upon the advice since it was given, even for those Americans and other foreign residents whose circumstances and responsibilities would permit them to leave.

Three travelers were shot last week while trying to get from this city to Pachuca, fifty miles away. A number of Americans who have attempted recently to leave by automobile or other conveyance have been turned back by armed men, regardless of passports some of which were signed by the Convention President, Roque Gonzales Garza.

The censorship of private and commercial telegrams by the Conventionalist authorities here, and also the Carrancistas at Vera Cruz, is so strict that residents cannot explain to relatives or correspondents abroad either their situation or their actions. Cablegrams cannot be sent if they refer to stoppage of mails or other abnormal conditions, although such interference with foreign service is in contravention of the cable company's franchise, while the country is not engaged in foreign war. Remittances cannot be made by mail and this interference with cablegrams renders difficult or impossible arrangement by telegraph of maturing obligations, such as life-insurance premiums and commercial paper. Foreign residents who are awaiting mail remittances from abroad are, many of them, dependent temporarily on assistance from friends here or from relief committees.

Fresh evidences of anti-American feeling are seen in proposed legislation, anonymous threatening letters, public speeches, utterances by delegates in the Convention, and in the Mexican press. This attitude toward Americans is

justified by Mexicans here on the ground that the United States is showing partiality toward the Carrancista cause.

Attention must be called to the report that goods at Vera Cruz destined for the merchants of this city (on some of which the import duties have already been paid) and held for months in Government ware-houses at Vera Cruz because of closing of the railways, are now being removed without hindrance by the authorities there, and sold or used by persons having no right or claim to warrant such action; and this despite the assurances of protection given by the Carrancista Government when the American troops were withdrawn from Vera Cruz.

The hope is expressed among foreigners here that the special representatives from the United States who are attached to particular chiefs may not be deterred, by an excessive desire to maintain agreeable relations with those leaders, from furnishing the Washington Government with complete, accurate, and impartial reports of what actually transpires in their locality.

With renewed assurances [etc.]

J. M. CARDOSO DE OLIVEIRA.

File No. 812.00/15000.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, May 11, 1915.

553. Simply as a matter of courtesy but without taking any responsibility or expressing any opinion about the contents of the following message I acceded to transmit it to you:

The Sovereign Revolutionary Convention has already designated the members of the commission which very soon will go to confer with you relative to the recognition of the government and we trust that you will accede to the request of the commission asking to be received by your excellency in accordance with the promises which you kindly made through Mr. Duval West.

Very respectfully,

ISMAEL PALAFOX,
Chief Clerk in charge of the Foreign Office.

CARDOSO DE OLIVEIRA.

File No. 812.00/15000.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 14, 1915.

699. Your 553, May 11. You may say to the Foreign Office that I will be pleased to receive the members of the commission referred to.

BRYAN.

File No. 812.00/15052.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, May 21, 1915.

574. General Garza appeared before the Convention yesterday and made sensational declarations regarding the approaching general

famine in the Republic and the hunger already felt in this city as well as the great difficulty in finding a remedy. He made really discouraging utterances about the financial situation, stated that not a cent was to be found in the treasury, pointed out the great expenses of the southern army amounting to about a million and a half every ten days, and asked the Convention where the funds were to be found by him to meet them. He further confessed that to alleviate for some days the financial difficulties he was obliged to hypothecate for 400,000 pesos a gold deposit of 234,000 pesos kept as a guaranty of certain obligations.

With reference to the political situation he earnestly requested the Convention to confirm or reject the appointments of his Ministers which were submitted to it several weeks ago in accordance with a law recently declared by the Convention; and he emphatically declared that by no means would he keep General Manuel Palefox as Minister of Agriculture, as the latter continues to act notwithstanding his dismissal by Garza and the Convention several days ago.

General Garza even stated that he has his resignation already written to be presented to the Convention in case it will not meet his requests. He concluded his remarks by making a warm appeal for the unification of all revolutionary parties including the Carrancistas to save the country and form a stable government saying that it was time for the army to give up fighting and go to work.

CARDOSO DE OLIVEIRA.

File No. 812.00/15061.

BRAZILIAN LEGATION,
Mexico City, May 22, 1915.

577. Yesterday at a very stormy session of the Convention very hard phrases exchanged between the North and South delegates and even injurious phrases pronounced by the South leader against the President of the Convention. The affair ended by division of the two parties into two bands which threatened to clash. Finally the North delegates left the Convention, had a private meeting to take a decision and returned afterwards to protest. Happily at the same time the room was invaded by large crowd of the people clamoring for justice and bread, which made them postpone matter.

Zapata ordered headquarters of the South army removed to Morelos and it is reported that the South troops will leave the city.

CARDOSO DE OLIVEIRA.

File No. 812.00/15064.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *May 22, 1915.*

Am informed that several chiefs now acting with Zapata in the event of rupture will side with Garza. My short acquaintance with the latter impressed me most favorably. He was very friendly to the United States. He appears to be one of the fairest characters which have come up out of the revolution. Foreigners fear that the Zapatistas will kill him before they are through. The Carranzistas

dislike him because he has been a strong Villista. There would be no place for him in their triumph. His assassination would be a great loss and a great pity.

SILLIMAN.

File No. 812.00/15052.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 24, 1915.

721. Your 574, May 21. The statement made by General Garza is both important and significant. This Government welcomes every suggestion looking toward a unification of revolutionary factions and a union of patriotic men to put an end to bloodshed and anarchy, and hopes that you will in its name lend your encouragement to such views and purposes whenever you can do so with propriety.

BRYAN.

File No. 812.00/15103.

The Confidential Agent of the Provisional Government of Mexico to the Secretary of State.

WASHINGTON, *May 29, 1915.*

EXCELLENCY: By instructions of Mr. Diaz Lombardo, I have the honor to transmit herewith copy of decree of the Provisional Government, No. 7, dated May 7, 1915, relating to the alienation of real and personal property of certain persons concerned in the coup d'état of February, 1913, and more lately in the fomentation of rebellion against the authority of said Government.

Please accept [etc.]

ENRIQUE C. LLORENTE.

DEPARTMENT OF FOREIGN AFFAIRS AND JUSTICE.

DECREE NO. 7.

Francisco Villa, General in Chief of the Conventionist Army operating in the North and Center of the Republic, by virtue of the powers conferred upon me by the Decree of February 2 of the present year—

Whereas, the greater number of the persons implicated in the overthrow of the lawful government of Señor Madero, and in the crimes and offenses both of a political and military nature connected therewith, have sought asylum abroad in order to escape the action of justice, in so far as relates to the personal liability they have incurred as well as to the civil responsibility they are under toward the nation and to the persons who have been made victims; and

Whereas, the principal authors and accomplices have been joined abroad by many persons who sympathize with the reactionary cause, and who, while not guilty of active participation in the events of the coup d'état, yet favored and aided the administration of the usurper, thus hindering the triumph of the Constitutionalist cause; and

Whereas, for the purpose of preventing the enforcement of these pecuniary liabilities, or with the intent to foster openly abroad a counter movement of a reactionary character, all these guilty parties and their partisans are effecting operations, either genuine or pretended, for the transfer, lease, hypothecation,

or other disposal of the properties they still retain in the country, by conveying their interests to private persons or corporations, foreign or domestic, whose violation of the laws cannot, owing to especial circumstances, be fully shown;

And lastly, whereas, if the Government of the Convention does not take steps to put an end to the evils above referred to, the civil liability in which these guilty parties have incurred cannot be enforced, and the conspirators will be left the pecuniary means of renewing once again the struggle between the Democratic Party and the reactionaries—

Now, therefore, I have seen fit to decree as follows:

Article 1. Until such time as the lawfully constituted authorities shall have issued an amnesty decree, the criminal and civil liabilities of all authors, accomplices and abettors of the crimes of rebellion, treason and usurpation of authority committed against the lawful government of Señor Madero and against the various State governments, from the 9th of February, 1913, to the 15th of August, 1914, and for the offenses of common or military order connected with the above-mentioned events, shall remain absolute.

Article 2. Similarly, the criminal and civil liability is absolute in the case of all persons who cooperated in the administrations of the usurpers Huerta and Carabajal—by serving either by appointment issued by the said persons or by virtue of so-called elections during the period above referred to—in the offices of Senators and Deputies to the Federal Congress or the State Legislatures, of Secretaries or Assistant Secretaries of Departments, of Governors of States, of Treasurer of the Federal Government, or of the various State Governments, Chiefs of the Treasury Department Bureaus, Postmasters, Telegraph Director, Federal or State Justices, District Judges, and in general, of any political office requiring the trust of the authorities or adhesion to the cause of the usurpers.

Article 3. Similarly, the criminal and civil liability of all persons at present engaged in fomenting, either within or without the Republic, conspiracies or rebellions against the lawful Provisional Government of the Convention, is absolute.

Article 4. In order to prevent that by means of pretended or genuine operations the persons enumerated in the foregoing articles may elude the civil liability created by the said articles, as well as for the purpose of preventing their disposing of elements with which to foment a counter-revolution of reactionary character, all transactions, whether pretended or genuine, are hereby declared null and void in so far as they relate to property, movable or immovable, of any nature whatsoever, either situated or at present within the Republic, belonging to the said persons or in which they may have any interest by virtue of usufruct, use, habitation, emphyteusis, partnership, or any other real or personal right in or to the said properties.

Article 5. For the purpose of the foregoing article all attachments shall have the force and effect of a tacit and preferred mortgage, even though no absolute attachment shall have been in reality made.

All personal property which shall not have been secured, but whose ownership cannot be proved at law, and title to which shall not have been conveyed in fact by the owners thereof up to the date of the present decree, shall be subjected to government liability, notwithstanding the fact that a sale or other transfer may have been subsequently made.

Article 6. All contracts entered into abroad by Mexican or foreign corporations shall require for their validity the approval of the Executive, whenever the said contract shall relate to properties situated within the Republic.

Article 7. The Executive shall be empowered to authorize the contracts referred to in the foreging article, whenever the interested parties shall present satisfactory proof that they do not come within any of the provisions of Articles 1, 2, and 3 of this Decree, and provided also the transfer be bona fide.

Article 8. Whenever a corporation, organized according to the laws of Mexico, or according to foreign laws but domiciled within the Republic or owning property within the same, any one of whose members shall be comprised within the persons described in Articles 1, 2 and 3 of this Decree, shall attempt to convey its assets and liabilities, or to reorganize under new conditions, or to effect a merger with any other corporation, all shares pertaining to such persons shall be subject to liability in favor of the Nation, and only on this basis and with the approval of the Executive may any contracts be binding which relate to the organization or merger, etc., of corporations, in so far as concerns property situated within the Republic.

Article 9. All foreigners and Mexican citizens residing abroad who shall attempt to celebrate within the Republic any operation of sale, exchange, transfer, etc., of any property situated within the said Republic of Mexico, or to be there found, including shares of stocks, bonds, Federal or State debt certificates, or of companies domiciled in the Republic or with branch establishments therein, shall inform themselves as to whether said properties are subject to any liability.

Article 10. In order to prevent that persons resident in foreign countries may be deceived by the owners of properties to which this decree refers, this said decree shall be given due publicity by the Confidential Delegations or Commercial Agencies, Consulates, and by the Press, and it shall likewise, be brought to the attention officially of Foreign Governments, in order that their respective subjects and citizens may not be harmed or suffer any prejudice by reason of lack of knowledge, in the event of their entering into any of the said operations.

FRANCISCO VILLA.

AGUASCALIENTES, *May 7, 1915.*

File No. 812.00/15122b.

The Secretary of State to the Brazilian Minister to Mexico.[23]

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 2, 1915—1 p. m.

741. You will please lay before the Mexico City authorities for their information the following public statement just issued by the President.

BRYAN.

STATEMENT BY THE PRESIDENT.

For more than two years revolutionary conditions have existed in Mexico. The purpose of the revolution was to rid Mexico of men who ignored the constitution of the Republic and used their power in contempt of the rights of its people; and with these purposes the people of the United States instinctively and generously sympathized. But the leaders of the revolution, in the very hour of their success, have disagreed and turned their arms against one another. All professing the same objects, they are nevertheless unable or unwilling to cooperate. A central authority at Mexico City is no sooner set up than it is undermined and its authority denied by those who were expected to support it. Mexico is apparently no nearer a solution of her tragical troubles than she was when the revolution was first kindled. And she has been swept by civil war as if by fire. Her crops are destroyed, her fields lie unseeded, her work cattle are confiscated for the use of the armed factions, her people flee to the mountains to escape being drawn into unavailing bloodshed, and no man seems to see or lead the way to peace and settled order. There is no proper protection either for her own citizens or for the citizens of other nations resident and at work within her territory. Mexico is starving and without a government.

In these circumstances the people and Government of the United States cannot stand indifferently by and do nothing to serve their neighbor. They want nothing for themselves in Mexico. Least of

[23] The statement of the President was also telegraphed to all American Consuls and other representatives in Mexico, for publication.

all do they desire to settle her affairs for her, or claim any right to do so. But neither do they wish to see utter ruin come upon her, and they deem it their duty as friends and neighbors to lend any aid they properly can to any instrumentality which promises to be effective in bringing about a settlement which will embody the real objects of the revolution—constitutional government and the rights of the people. Patriotic Mexicans are sick at heart and cry out for peace and for every self-sacrifice that may be necessary to procure it. Their people cry out for food and will presently hate as much as they fear every man, in their country or out of it, who stands between them and their daily bread.

It is time, therefore, that the Government of the United States should frankly state the policy which in these extraordinary circumstances it becomes its duty to adopt. It must presently do what it has not hitherto done or felt at liberty to do, lend its active moral support to some man or group of men, if such may be found, who can rally the suffering people of Mexico to their support in an effort to ignore, if they cannot unite, the warring factions of the country, return to the constitution of the Republic so long in abeyance, and set up a government at Mexico City which the great powers of the world can recognize and deal with, a government with whom the program of the revolution will be a business and not merely a platform. I, therefore, publicly and very solemnly, call upon the leaders of faction in Mexico to act, to act together, and to act promptly for the relief and redemption of their prostrate country. I feel it to be my duty to tell them that, if they cannot accommodate their differences and unite for this great purpose within a very short time, this Government will be constrained to decide what means should be employed by the United States in order to help Mexico save herself and serve her people.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, June 2, 1915.

File No. 812.00/15123.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, June 3, 1915—6 p. m.

600. Your 741, June 2, 1 p. m. The statement has been delivered to Foreign Office about 1 p. m. for transmission to General Garza.

CARDOSO DE OLIVEIRA.

File No. 812.00/15137.

BRAZILIAN LEGATION,
Mexico City, June 4, 1915—11 a. m.

602. My 600, June 3, 6 p. m. At half past ten last night Acting Secretary Foreign Relations called on me personally to deliver following answer:

In view of your attentive note of yesterday's date in which on behalf of Mr. W. J. Bryan, Secretary of the Department of State of the Washington Govern-

ment, was communicated to this Chancellery for the information of citizen General Roque Gonzalez Garza, President of the Sovereign Convention in charge of the Executive Power, the declarations made public by His Excellency Mr. Woodrow Wilson, President of the United States of North America, respecting the situation which on account of the civil war exists in the Republic of Mexico, I have the honor to inform you in reply that friendly sentiments appreciated; that the citizen President of the Sovereign Revolutionary Convention in charge of the Executive Power has taken into consideration the contents of the said note and he has decided that you be informed that he cordially appreciates the noble zeal with which you hasten to inform him of the sentiments of the President of the United States of North America respecting Mexico, which occupy his earnest attention as the declaration which he formulates in his character of friend and neighbor with the object of aiding the Mexican people to obtain an advantageous solution of the interior disturbances. This Government duly appreciates the interest that the American Government and people have manifested in favor of Mexico and you may indicate to W. J. Bryan that the Convention Government has been occupied for some time past in studying measures which may consummate the unification of the revolutionary elements and consequently the pacification of the country. Convention to consider besides [sic] the citizen President of the Sovereign Convention in charge of the Executive Power manifests to you through me for transmission to Secretary of State Bryan that for a legal and more complete form in which to resolve the transcendental matter which now claims our attention, he has ordered this important note from you to be sent to the Sovereign Revolutionary Convention not without manifesting that he has noted with regret that the final portion of this note contains remarks which are not in accord with the policy which up to the present time has been followed by the Government of Washington with the approbation of the Government and the people of Mexico. As soon as the Sovereign Revolutionary Convention directs I shall have the honor to inform you of its resolution.

Accept [etc.]

ISMAEL PALAFOX,
Oficial Mayor of the Department of Foreign Relations.

MEXICO, *June 3, 1915.*

To his excellency J. M. CARDOSO DE OLIVEIRA,
Minister of Brazil in charge of American interests in Mexico.

CARDOSO DE OLIVEIRA.

File No. 812.00/15133.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *June 4, 1915.*

Papers publish President's statement in full without comment. It appears to have been well received in official circles. Foreign Minister unofficially informed me this morning that a reply would be made "appreciative, friendly and serene." The Constitutionalists hope that the First Chief can fulfil the desires of the United States. The prompt occupation of Mexico City was again assured and all possible protection to foreign interests.

SILLIMAN.

File No. 812.00/15135.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, June 4, 1915—10 a. m.

603. On account of lack of direct communication Foreign Office earnestly requested me to ask you kindly to transmit the following messages:

To Citizen General VENUSTIANO CARRANZA,
Vera Cruz, or wherever residing:

I suppose that you have received a similar note from Mr. W. Wilson, the President of the United States of North America, sent under date of the second of this month to myself as well as the other revolutionary leaders in the country; and on the basis of this belief, in a manner most formal and solemn, I invite you, inspired solely by the welfare of our afflicted country, to give me frankly and categorically your opinion on this matter, in the knowledge that on the part of the Government which I represent there exists the strongest desire to evade a national evil because we understand that it is necessary to arrive at a unification of the revolutionary elements as the revolution has triumphed and there only exists, for the realization of its ideals, the extirpation of useless and unpatriotic personal considerations.

To this end I, as President of the Sovereign Revolutionary Convention in charge of the Executive Power, am disposed to deliver the executive power within twelve hours to the Provisional President who may be nominated by the revolutionists united.

I exhort and invite you to consider this question, inspired solely by the welfare of the nation, in order that an armistice may be decreed at once with the object that the commissions appointed may come and go with freedom.

Neither your party nor ourselves nor anyone will be able to deny that the principles we sustain are similar and in obedience to identical aspirations.

I attentively request you to forward an immediate reply.

ROQUE GONZALEZ GARZA.

MEXICO, *June 3, 1915.*

To General FRANCISCO VILLA.
Juarez City, or wherever residing:

I suppose that by this date you are acquainted with the declarations made by President Wilson, which constitute a demand on the commanders of forces in the Republic.

I request you by this means of communication to give me your opinion on this matter in order that I may know what to expect, as the inhabitants of the territory dominated by us, the City of Mexico and the Convention are inclined to favor the unification of the revolution. I wish to know your idea in this question in order to pursue a course and work as always in harmony with yourself.

I beg of you also to transmit my wishes to Governor Maytorena and General Angeles and the remainder of the revolutionary leaders.

ROQUE GONZALEZ GARZA.

MEXICO, *June 3, 1915.*

CARDOSO DE OLIVEIRA.

File No. 812.00/15135.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 5, 1915—10 a. m.

Communicate immediately to Carranza the following message received through Brazilian Minister, Mexico City:

[Message for Carranza forwarded in Mr. Cardoso de Oliveira's telegram 603 of June 4, 10 a. m.]

BRYAN.

File No. 812.00/15135.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 5, 1915—10 a. m.

Communicate immediately to General Villa the following message received through Brazilian Minister, Mexico City:

[Message for Villa forwarded in Mr. Cardoso de Oliveira's telegram of June 4, 10 a. m.]

BRYAN.

File No. 812.00/15194.

Consul Schmutz to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Aguascalientes, June 5, 1915.

SIR: I have the honor to acknowledge the receipt of the President's messages to the leaders of the several armed factions in Mexico. * * * Up to this moment the local paper has limited itself to publishing a translation of the message without comment.

I have [etc.]

GASTON SCHMUTZ.

File No. 812.00/15275.

Consul Alger to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Mazatlan, June 5, 1915.

SIR: I have the honor to acknowledge receipt on June 4 of American declaration on the Mexican situation. I at once sent copies to the Military Commander and the civil authorities for their information.

I understand that the Military Commander on reading the message remarked, "What a witty man Mr. Wilson is." This is the only comment that I have heard. * * *

WM. E. ALGER.

File No. 812.00/15179.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, June 8, 1915—noon.

612. I beg you to take knowledge of and transmit following message.

CARDOSO DE OLIVEIRA.

THE HONORABLE JOHN R. SILLIMAN, *Vera Cruz.*

Purely as a matter of courtesy and without taking any responsibility or any particular interest in its contents I accede in begging you to deliver following message:

MEXICO CITY, *June 8, 1915.*

General VENUSTIANO CARRANZA:

I do not know why you have not been pleased to answer my telegram of the second[24] inasmuch as the same referred to a matter of vital importance for our country. I confirm said message in every particular and beg to add that the easiest way in my opinion to solve the great pending question would be, provided there is good disposition on the part of the principal leaders of the revolution, to arrange immediately for a general armistice, you controlling all the territory now occupied by our forces, General Villa holding that occupied by him and General Zapata the one he now holds. Railroad traffic being thus resumed in the entire Republic it would be very easy for the representatives of the several generals to come to the capital for the sole purpose of electing a Provisional President who shall conduct the national affairs while the constitutional order is restored. Said President will be made to appoint his Cabinet which will be composed of two ministers representing your faction, two more representing the Northern Division, two representing the Liberating Army of the South and the other three representing the civil part of the Republic; this with the idea that each faction may be represented and that the people in general may be guaranteed by the new President.

I believe the above conditions ought to be accepted, as my opinion is that there would hardly be a Mexican who would accept in any form the help of a foreign power to impose upon us as, if such a man should be living, he would deserve to be considered as a traitor to his own country.

Are you not disposed to make some sacrifice for the nation as we Conventionalists are disposed to make?

In case you should think that I am an obstacle for the unification of the revolution I beg you to kindly advise me so as to take some determination which would be no other but that of retiring immediately to private life.

Wishing from the bottom of my heart the coming of new era of peace and concord for all Mexicans I again pray you to answer me.

ROQUE GONZALEZ GARZA,
President of the Sovereign Convention in Charge of the Executive Power.

I would like to know what impression was made on Carranza by this message and the former one on the same subject as well as Carranza's answer to the American statement.

CARDOSO DE OLIVEIRA.

File No. 812.00/15183.

BRAZILIAN LEGATION,
Mexico City, June 9, 1915—10 a. m.

617. I regret to inform you that Convention has postponed discussion of the President's statement, and instead of getting down to do sane work for union and peace is pitifully losing its time in useless discussion relative to dissensions between certain groups of their own members and dissensions between the Zapatista leaders and President Garza. Delegate Soto y Gama, personal representative of General Zapata and the most influential leader in the Convention, amuses himself daily in making inflammatory speeches in the course of which the United States, President Wilson, Secretary of State Bryan, Mr. West and myself are insulted in the most unwarranted, cruel and unbearable manner.

CARDOSO DE OLIVEIRA.

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[24] Forwarded in the Brazilian Minister's telegram 603 of June 4, 10 a. m. Garza's communication was dated June 3, instead of the 2d, as here stated.

File No. 812.00/15185.

BRAZILIAN LEGATION,
Mexico City, June 9, 1915—4 p. m.

619. Will Department please transmit following:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

Your public statement regarding the Mexican situation has encouraged not only Americans here, but the foreigners and patriotic Mexicans as well, who appreciate the value of your accurate presentation of conditions in this country. A constantly growing majority of the Mexican people look to the United States as the only source from which effective relief can come. Your message of information to the American people and your note of warning to the factional leaders of Mexico we believe are most timely. If most people of Mexico lack faith in the possibility of voluntary and lasting combination of Mexican chiefs along patriotic and unselfish lines it is because of the many lost opportunities during the last few years of futile turmoil and the entire record of Mexican history. The forbearance of the American Government towards Mexico in the past, its disavowal of selfish motives and the many evidences of its friendship for the Mexican people are rightly appreciated by most honest-minded Mexicans and your declarations will be misunderstood and distorted only by the military and perseverant minority which seeks its own appointments at the expense of suffering countrymen.

It is the general prayer that the "very short time" which you warn Mexican leaders will be allowed in which to accommodate their differences will be given the minimum interpretation, that impracticable makeshifts be not allowed to postpone a settlement of the present intolerable conditions. While a year ago your statement would have caused deep resentment, today it evokes expressions of hope among Mexicans of all classes that your demand will not be evaded by empty promises from factional leaders but enforced to the end that anarchy and hunger in Mexico be terminated.

THE AMERICAN SOCIETY OF MEXICO.
J. D. HELM, *Secretary.*

CARDOSO DE OLIVEIRA.

File No. 812.00/15181.

BRAZILIAN LEGATION,
Mexico City, June 9, 1915—11 p. m.

621. My 617. This afternoon Convention deposed General González Garza and to replace him has elected its President, Lagos Cházaro, Villista delegate from the State of Chihuahua, who was placed in charge of the executive power.

CARDOSO DE OLIVEIRA.

File No. 812.00/15190.

BRAZILIAN LEGATION,
Mexico City, June 10, 1915—11 a. m.

623. Instead of only promising prospects of unification it was decided in the Convention yesterday that the new executive put in force the law establishing a committee of public health for the undefined purpose of punishing the enemies of the revolution besides the confiscation of their houses and effects which is already being done on great scale. All this will certainly add a régime of terror to that of famine. On the other hand I am confidentially informed from Vera Cruz that the forces of General Carranza are approaching Mexico expecting to occupy it next week.

CARDOSO DE OLIVEIRA.

File No. 812.00/15189.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *June 10, 1915—5 p. m.*

Department's June 5, 10 a. m. Foreign Office to-day expresses General Carranza's thanks and states that there is no reply.

SILLIMAN.

File No. 812.00/15294.

Special Agent Carothers to the Secretary of State.

[Telegram.]

GOMEZ PALACIO, *June 11, 1915—noon.*

The following is General Villa's reply to the note of President Wilson:

The consideration and respect which the President of the United States of America has won, both in his own country and outside of it, due to his high sense of justice, and more particularly among the middle and lower classes in Mexico, a consideration and respect which I share, oblige me to make—in reply to his solemn and public declaration respecting the future policy of his Government concerning our present civil war and the entreaties which he has made to the armed factions to reestablish harmony among themselves—the following declaration, equally public and solemn. I believe that I am justified in making it also in the name of the faction whose political sentiments are represented by the Government of the Convention and supported by the army under my command.

The Mexican people recognize the fact that the American people observed with the same horror as ourselves the assassination of President Madero and Vice President Pino Suarez, and for this reason generously sympathized with the Constitutionalist movement which had for its principal object the deposing the usurper from power and the reestablishing of our Constitution in order to effect through the law the social betterment of the people, as was the aim of the Revolution of 1910.

Because of the moral aid which the people of the United States lent us in those circumstances, the usurpers charged the American Government and ourselves with giving and receiving, respectively, material aid in fomenting the revolution. The Mexican people feel a sincere gratitude toward the American people for that generous sympathy and moral support and it pleases me to note that President Wilson recognizes that the people and the Government of the United States have no wish to take any part in the settling of our internal affairs.

It is an unfortunate circumstance that after achieving our triumph dissensions arose between us, causing a renewal of civil war; but we should consider that while there may enter in part in this condition the ambition of certain men, there is also a matter of principle which should be understood in order that superficial judgment be not passed upon all as infamously ambitious, who in one or the other group seek to apply the triumph to the benefit of the people.

The false belief of certain "leaders" that within the constitutional order it was impossible to carry out the principles of the revolution—a false belief selfishly defended by those who in its name attempted to keep themselves in power indefinitely without laws, without tribunals, without any principle of discipline—within one month plunged us into utter anarchy in our own capital and in almost all the places occupied by the forces of the First Chief of the Constitutionalist Army. So also the tactlessness of Señor Carranza brought us into strained relations with friendly nations. Surely these nations have not forgotten the insubordinate acts, perpetrated even yet, against the persons and property of diplomatic representatives by officers and soldiers serving

under the banner of Señor Carranza, which he has never been in a position to check.

In view of the loss of prestige to the Revolution through such disorder—the indefinite postponement of reorganization of finances, credits and interior administration, the failure to return to constitutional government and to install fundamental laws based on revolutionary principles—the Chiefs of the Division of the North and of other corps, in accord with a large element of civilians, proposed to the First Chief that he assume the Provisional presidency of the Republic and form a respectable cabinet who would at once reopen the courts of justice and in a short time call general elections and organize civil constitutional government.

Those proposals, presented in the month of September last to Mr. Carranza by General Alvaro Obregón and by me as chiefs of the Corps of the Northwest and the Division of the North, were given no attention. The First Chief and his followers, in place of calling the people together, preferred to call an essentially military convention, claiming that in order to confirm the triumph of the Revolution it was necesssary to have a long preconstitutional period during which to insert in the Constitution of 1857 the reforms demanded by the Revolution. We believed such a system would ruin the Nation and that constitutional reforms should be made by a congress, elected by the people. There was also in the background of our judgment something more lofty than a question of personalities and Carranza himself has now justified us, for in a manifesto which he issued at Vera Cruz, after the Convention of Aguascalientes had declared him a rebel, he agreed, if he was finally victorious, that he would call a national election of deputies to a constitutional congress.

Therefore no substantial differences exist between the parties. But we decline to admit responsibility for the blood that has been shed. Before this new hatred was engendered, we pledged ourselves to the principle of popular elections and proposed that they be called.

It is my duty as one of the leaders of the Conventionist party to refute the general charges in President Wilson's note. This note says that, "A central authority at Mexico City is no sooner set up than it is undermined and its authority denied by those who were expected to support it." Such a charge is not entirely just. The authority of Mr. Carranza was not recognized because he did not recognize the platform of the Revolution and its fundamental principle of reestablishing the force of the Constitution. Later, the Aguascalientes Convention proclaimed its sovereignty, which we all recognized. Since then we Conventionists have loyally supported the supreme authority of that Convention. Mr. Carranza and his folllowers, however, repudiated the Convention although they themselves had convoked it.

Another charge made against the parties at war is that, "There is no proper protection either for her [Mexico's] own citizens or for the citizens of other nations resident and at work within her territory. Mexico is starving and without a government." There is not, it is true, any authority recognized throughout the country. It is only in this sense that the statement is correct that Mexico is without a government. This happens, however, in all civil wars, in any nation. But as to there being "no proper protection either for her own citizens or for the citizens of other nations," I find it my duty to deny the charge as far as it refers to the territory controlled by the forces under my command; and as to the civil government annexed to my general headquarters, I myself need not speak, for Mr. Duval West, representing President Wilson, in a telegram of farewell dated March 10 last, among other things said to me: "I am glad to say that I have received an excellent impression of the prevailing quiet and order wherever I have been, and of the facilities and guaranties given to natives and foreigners in their work." And in a message dated March 17 sent by his excellency the British Ambassador at Washington to the British Consul at El Paso, he requested him to express to my Government his high appreciation of its prompt action in protecting British interests.

Representatives of the British and American Governments have recognized, therefore, that in the territory dominated by my forces guaranties and protection are afforded to native and foreigner alike, a fact that could be further proved by many telegrams from persons of various nationalities.

It is not extraordinary that the operation of the Government and its institutions is now not normal. The labor of reconstruction is always slow; but still slower when done with one hand while the other is engaged in battle. None the less in the midst of the struggle education has been encouraged, reorganiza-

tion of the courts in almost all the States has been perfected, the Federal courts are already sitting, mining laws have been amended, free coinage effected, the principles of agrarian law and of fisheries and other natural resources have been amended upon principles of equity; the railroad, postal and telegraph services have been improved and arrangements made to send articles of the most urgent necessity to those sections where the war has produced the most suffering.

It is true that the abundance which existed in times of peace is lacking, but there has been great exaggeration, undoubtedly unintentional, in stating that "Mexico is starving" and "her fields lie unseeded" and "her crops are destroyed." It is true that in the capital, in Monterrey and in certain other cities there has been at times distress; but this has been due to military operations rather than to lack of foodstuffs in the country.

No, we have not arrived at such a degree of misery and despair that we need foreign assistance and our people do not "flee to the mountains," for they have faith that either faction of the Constitutionalist party will give them guaranties which they have not had during a century of independence, with the exception of the short administration of Señor Madero. This guaranty is freedom from forced service. The odious conscript system that filled thousands of homes with widows and orphans is now abolished. This is one of our greatest conquests and is engraved on the hearts of our people.

But there are loftier considerations, of a moral nature, which have always impelled us to urge harmony among revolutionists and pardon for those who do wrong through weakness, thoughtlessness or inertia rather than through ambition or wickedness. These moral considerations have served to placate the hatreds which result in civil wars, to prevent foreign intervention in our internal affairs, and to eliminate all danger of international conflict.

The Chiefs of the Division of the North and others faithful to the agreement signed at Aguascalientes therefore agreed to treat with our opponents in peace parleys arranged by the Convention of Aguascalientes. Unfortunately, many attended these parleys with the sole desire to blind us with false promises.

It was because of the patriotic moral considerations above mentioned that, when I assumed authority for the Northern Section of the Republic, I offered in my first manifesto to receive in brotherly spirit those who had strayed through error; and later, on April 9th, I authorized the return to the territory controlled by my forces of all Mexicans then refugees on foreign soil, excepting only those concerned in the uprising of Felix Diaz and in the crimes of February, 1913. It is therefore not the warning voice of President Wilson which suggests for the first time that we must seek concord nor is the motive of our resolve a belief that by submitting to foreign suggestions we might obtain the sympathy of a powerful nation.

We, Conventionists have not struggled to obtain power nor do we wish to obtain it except through the free vote of the Mexican people. And in view of the possibility of outside intervention in our national affairs we are willing to invite again to concord all the Mexican people so that we may united work for the establishment of the revolutionary principles, and especially for the solution of the agrarian question and for the dissemination of education among the masses. We except from such conference only those whom President Wilson describes as those "who ignored the constitution of the Republic and used their power in contempt of the rights of the people."

FRANCISCO VILLA.

MIGUEL DIAZ LOMBARDO,
In charge of the Office of Foreign Relations.

AGUASCALIENTES, *June 10, 1915.*

File No. 812.00/15294.

Special Agent Carothers to the Secretary of State.

[Telegram.]

GOMEZ PALACIO, *June 11, 1915.—noon.*

At the request of General Villa and Miguel Diaz Lombardo, please forward the following to General Roque González Garza, Mexico City.

CAROTHERS.

The following is my reply to the note of President Wilson and will be delivered officially by Manuel Bonilla:

[Request to quote the note transmitted in the telegram next above.]

I have also and at the same time sent the following to Mr. Carranza:

GENERAL VENUSTIANO CARRANZA,
Vera Cruz.

In a note directed to the chiefs of the various factions and military forces now at war, President Wilson invites the revolutionary Constitutionalist groups to collaborate in reestablishing constitutional government and secure the rights of the people. In this note President Wilson says that if we do not succeed in effecting this union the American Government will be obliged "to lend its active moral support to some man or group of men . . . who can rally" a large part of the nation "to ignore . . . the warring factions"; and that if this method is not efficacious, the Government reserves to itself to take other means.

In our opinion the declaration involves two perils which would frustrate the aims of the Revolution and destroy our sovereignty: first, that the party of the Científicos under some other name would return to power with American backing; second, that if the people should not follow this group, the American Government would have recourse to an armed intervention.

In the face of these two perils and without recognizing in the American Government any right to intervene in our affairs, we believe that we should seek the means whereby the Constitutionalist Party may reunite and reorganize, even at the expense of amour propre. We believe that this is made incumbent upon us by patriotism and the future welfare of the country. We therefore venture to propose to you that we take into consideration the aforesaid note of President Wilson; and that, if you are so disposed, you will kindly inform us to that effect for the purpose of discussing and agreeing upon the indispensable preliminaries for arriving at an agreement respecting the form and procedure for a reorganization of the national constitutional government.

We have written to the above effect to General Roque González Garza as Chief of the Conventionist Government; also to General Emiliano Zapata as Chief of the Army of the South.

In the hope that your decision will be inspired by a wish for the welfare of the country, we remain [etc.]

FRANCISCO VILLA.

MIGUEL DIAZ LOMBARDO,
In charge of the Department of Foreign Relations and Justice.

I suppose that you and General Zapata have answered in similar terms; but in case you have not, I beg of you to do so, as it will show our unity of aim and the desire of the Constitutionalist Party for union.

Kindly transmit this same message to General Zapata in my name.

FRANCISCO VILLA.

MIGUEL DIAZ LOMBARDO.

AGUASCALIENTES, *June 10, 1915.*

File No. 812.00/15190.

The Secretary of State ad interim to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 11, 1915—4 p. m.

770. Your 623, June 10, 11 a. m. Discreetly impress upon authorities in control that any harsh measures of reprisal would create a most unfavorable impression abroad, and might, by adding to the acuteness of the political situation, retard the efforts to extend measures of relief to the destitute.

ROBERT LANSING.

File No. 812.00/15215.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State ad interim.

WASHINGTON, *June 12, 1915.*

MR. SECRETARY: I am directed by my Government to bring to the attention of His Excellency the President of the United States, the

enclosed copy of a declaration issued by Mr. Venustiano Carranza, in his capacity of First Chief of the Constitutionalist Army and Depositary of the Executive Power of Mexico, addressed to the people of the Mexican Republic. I shall, therefore, appreciate it very much if your excellency will have the kindness to cause the same to be brought to the knowledge of His Excellency the President.

Thanking you sincerely in anticipation of your kindness,

I avail [etc.]

E. ARREDONDO.

[Inclosure—Translation—Extract.]

MANIFESTO TO THE NATION.

At last, after five years of warfare * * * the revolution is about to end. * * * The struggle has been a long one because the impatience of the revolutionaries to attain victory in 1911 gave room to the compromise with the elements of the old régime. * * * Then I, as Governor of the State of Coahuila, in obedience to Articles 121 and 128 of the Constitution, assumed the representation of the Republic in the terms in which the Constitution itself vests me with this right, and supported by the people who rose in arms to regain their liberty. The above-mentioned articles provide the following:

Every public officer without exception, prior to his taking possession of his charge, shall make oath that he will sustain the Constitution and the laws emanating therefrom. This Constitution shall not fail in force or vigor, even though on account of rebellion its observance may be interrupted. In case that pursuant to a public disturbance a government contrary to the principles sanctioned by the Constitution be established, as soon as the people regain their freedom its observance shall be reestablished, and according to it and to the laws which by virtue of it may have been enacted, those who may have figured in the government emanated from the rebellion shall be tried as well as those who may have cooperated in the movement.

After the rebellion and usurpation of Huerta had been overthrown and before the Constitutionalist Army reached the City of Mexico, the reactionaries, faithful to their old procedure, began to mingle in our ranks and corrupt those who ought to have given their support to this Government; the result was the repudiation of this Government by General Villa and the formation of factions whose chiefs felt encouraged by the presence of the foreign representatives who were with them.

When our forces left the City of Mexico pursuant to a military and political plan, it was thought that the Constitutionalist Government had lost the support of the people and with it its prestige and force, and that it would follow the course of previous trespassers on public power. But the apparent victory of the reaction headed by Francisco Villa, was still more ephemeral than the one obtained by the usurpation of General Huerta; and today, after the greatest and most definite victories militarily obtained by the army of the people in various parts of the country, I can say to my countrymen that the Constitutionalist Government has control of over seven-eighths of the national territory; that it is organizing public administration in twenty out of the twenty-seven States of the Republic and in more than half of the other seven States; that it controls all the ports on the Gulf and the Pacific Ocean with the exception of Guaymas, and all the ports of entry on the northern and southern frontiers with the exception of Piedras Negras, Ciudad Juarez, and Nogales; that more than thirteen million of the fifteen which represent the population of the country, that is to say, nine-tenths of the total population of the Republic, are governed by the administration over which I preside; that day after day the factions are being routed and dispersed, their offensive action being limited at present to acts of brigandage; and that within a short time the occupation of the City of Mexico will contribute to make the action of the Constitutionalist Government more harmonious and efficient in all the territory of the Republic. Therefore, our country is nearing the end of its revolution and approaching the consolidation of a definite peace based on welfare and justice.

In the midst of the greatest difficulties the Constitutionalist Government has extenuated the hardships of war, either forbidding the exportation of articles of prime necessity or adopting measures of practical effect to facilitate the ac-

quisition of the same for the benefit of the poor; it has afforded guaranties and given protection to the inhabitants within the territory controlled by the Constitutionalist forces, all of whom live a life of normal activity; it has prevented and punished the faults and abuses growing out of the state of social disturbance.

With regard to our foreign relations, notwithstanding that one of my first acts was to address a note by telegraph to the State Department of the United States of America apprising it of my situation in confronting the rebellion and usurpation, one of the difficulties which has retarded our labors has been the lack of understanding between the Government I have the honor to represent and the Governments of other nations, especially that of the United States.

The great interests of the old régime have created a system of falsehood and slander against this Government, spreading day after day through the powerful journals of the American "Científico" press which reach the ear of the press of the world, with the object of deforming before the opinion of other nations the procedure and the tendencies of the Mexican Revolution; the same interests have used their influence to have false reports rendered to the Governments of other countries, and especially that of the United States. The Constitutionalist Government has been deprived of the facilities to make any rectifications of such reports, because it has been denied the opportunity and the means incidental to diplomatic relations between one country and another.

We feel that we are at the present time in condition to overcome this last difficulty, because the Constitutionalist Government is now in de facto possession of the sovereignty of the country; and the legitimate army of sovereignty is the essential condition to be borne in mind when deciding upon the recognition of a government.

If, as we expect and desire in behalf of the Mexican people and of the foreign residents of this country, the Governments of other nations recognize the Constitutional Government, this act of justice will afford it an efficient moral assistance, not only to strengthen the friendly relations which Mexico has always maintained with those nations and to make possible the discussion of their common affairs but also to secure a more speedy consolidation of peace and establish a constructive constitutional government, supported by the reforms and the program of the revolution.

I am therefore of the opinion that the time has come to call the attention of the warring factions still in armed opposition to the Constitutionalist Government, to the futility of their attitude because of the recent definite victories gained by our army, as well as because of the conviction they must have of our sincerity and capability to realize the ideals of the Revolution. Therefore, I appeal to those factions to submit to the Constitutionalist Government in order to expedite the reestablishment of peace and to consummate the work of the Revolution.

With a view to realizing the above-mentioned purposes. I have deemed proper to inform the nation upon the political conduct to be observed by the Constitutionalist Government, in the performance of the program of social reform contained in the Decree of December 12, 1914.[*]

1. The Constitutional Government shall afford to foreigners residing in Mexico all the guaranties to which they are entitled according to our laws, and shall amply protect their lives, their freedom and the enjoyment of their rights of property, allowing them indemnities for the damage which the Revolution may have caused them, in so far as such indemnities may be just, and which are to be determined by procedure to be established later. The Government shall also assume responsibility for legitimate financial obligations.

2. The first concern of the Constitutionalist Government shall be to reestablish peace within the province of law and order, to the end that all the inhabitants of Mexico, both native and foreign, shall equally enjoy the benefits of true justice and be interested in cooperating to the support of the government emanating from the Revolution. The commission of crimes of the common order shall be punished. In due time an amnesty shall be declared in keeping with the necessities of the country and the situation, which in no way shall exempt those under it from the civil responsibilities they may have incurred.

3. The constitutional laws of Mexico known under the name of Laws of Reform, which establish the separation of the Church and the State and which guarantee the individual right of worship in accordance with one's own con-

[*] See For. Rel. 1914, p. 629.

science and without offending public order, shall be strictly observed; therefore no one shall suffer in his life, freedom and property because of his religious beliefs. Temples shall continue to be the property of the nation according to laws in force, and the Constitutionalist Government shall again cede for the purposes of worship those which may be necessary.

4. There shall be no confiscations in connection with the settlement of the agrarian question. This problem shall be solved by an equitable distribution of the lands still owned by the Government; by the recovery of those lots which may have been illegally taken from individuals or communities; by the purchase and expropriation of large tracts of land, if necessary; by all other means of acquisition permitted by the laws of the country. The Constitution of Mexico forbids privileges and therefore, all kinds of properties regardless of who the owners may be, whether operated or not, shall in the future be subject to the proportional payment of a tax in accordance with a just and equitable valuation.

5. All property legitimately acquired from individuals or legal governments, and which does not constitute a privilege or a monopoly, shall be respected.

6. The peace and safety of a nation depend on a clear understanding of citizenship; therefore the Government shall take pains to develop public education, causing it to spread throughout the country, and to this end it shall utilize all cooperation rendered in good faith, permitting the establishment of private schools subject to our laws.

7. In order to establish constitutional government, the Government over which I preside shall observe and comply with the provisions of Articles 4, 5 and 6 of the Decree of December 12, 1914, which read as follows:

[Quotation of Articles 4, 5 and 6.] [26]

V. CARRANZA,
First Chief of the Constitutionalist Army
in charge of the Executive Power of the Nation.

VERA CRUZ, *June 11, 1915.*

File No. 812.00/15273.

Consul Guyant to the Secretary of State.

ENSENADA, *June 12, 1915.*

SIR: I have the honor to acknowledge the receipt of the Department's telegram of June 2, 1915, quoting the message of the President to the Mexican revolutionary chiefs. The message has been given publicity in this District and has been favorably commented upon by Mexicans.

I have [etc.]

CLAUDE E. GUYANT.

File No. 812.00/15207.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, June 12, 1915—5 p. m.

631. Kindly forward following message:

CARDOSO DE OLIVEIRA.

Consul SILLIMAN,
Vera Cruz:

As a matter of courtesy and without taking any responsibility or particular interest in its contents I acceded to transcribe you the following:

General VENUSTIANO CARRANZA, *Vera Cruz:*

I beg to advise you that in compliance with a disposition of the Sovereign Revolutionary Convention, in accordance with the law of parliamentarism decreed by said body,

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[26] This decree is printed in For. Rel. 1914, pp. 632–633.

General Roque Gonzalez Garza turned over to me in a formal peaceful and solemn manner the office of the Executive Power, which I have assumed since the 10th instant.

As I know that my predecessor accedes to the spirit of revolutionary unity, which will be the only national salvation in the face of any possible foreign pressure that may threaten us and as I also know that no answer has been received from you, I beg to advise that I make as mine his cordial phrases, which are an appeal to bring into harmony the factions in which, unhappily, the revolution is divided.

General Carranza, the military and civil faction which regard you as their flag, and the great universalist party which is directed by the resolutions of the Sovereign Revolutionary Convention, give their support to the same principles, hope for the same triumph of social vindication, of justice for all, and radical punishment of all reactionary elements; and both factions also uphold the same tendencies towards the future national progress.

In consequence I also understand as did my predecessor that the moment has arrived when this tremendous war, which resembles an immense national suicide, should cease; and I expect patriotism from you and those around you, and that you will be pleased to make a reply to the two successive invitations tendered you on account of the statement made by President Wilson.

I doubt not that, preliminary to a saving unity, we will be able to begin with an armistice which will be the dawning of our interior and definitive peace.

LIC. FRANCISCO LAGOS CHÁZARO,
In Charge of the Executive Power.

CARDOSO DE OLIVEIRA.

File No. 812.00/15312.

Consul Bonney to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
San Luis Potosi, June 13, 1915.

SIR: I have the honor to report that the note addressed by President Wilson to leaders of factions in Mexico, as published, was well received by all classes, and in this district is regarded as an exceedingly fortunate expression.

WILBERT L. BONNEY.

File No. 812.00/15222.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, June 14, 1915—3 p. m.

634. General Pablo Gonzales, commander of Carrancista forces now at Puebla, sent an ultimatum to the authorities here intimating to them to recognize Carranza and surrender the city within forty-eight hours to terminate tomorrow at 6 p. m., with the understanding that if they fail to do so the Carrancistas will invest the city. Convention replied to Gonzalez showing best disposition to complete arrangements by requesting an immediate armistice for said purpose. I am told that they are sending also a statement regarding terms for arrangements. One of the most influential Conventionalists informed me today that the forces will oppose the advance of the Carrancistas to the utmost and that if vanquished, as is most probable, will give themselves over to acts of despair and violence, even the probability of trouble in town against foreigners not being excluded. It would be a real blessing for everybody if some means could be found to prevent such evils.

CARDOSO DE OLIVEIRA.

File No. 812.00/15284.

Consul Schmutz to the Secretary of State.

No. 322.] AMERICAN CONSULATE,
Aguascalientes, June 15, 1915.

SIR: I have the honor to report that notwithstanding the boasted protection given to foreigners and foreign property which General Villa speaks of in his reply to President Wilson's note, he continues to issue confiscatory decrees against the merchants of this town, who naturally do not want to sell their merchandise for the depreciated Villa currency except at an apparently exorbitant price when computed in said money. For instance an article that costs the merchants, say, one dollar in the United States and which, when the Mexican peso was worth 0.50 U. S. Cy., he would sell for four pesos, he is now compelled to sell 120 to 140 pesos in order not to lose on it; and the authorities arrest him and he is insulted and called a thief and warned that his stock will be confiscated unless he sells at "reasonable prices," by which they mean a loss of 75 to 80 per cent on cost of goods.

Due to the fact that the Villa money of small denomination is accepted as currency in Guadalajara and the surrounding territory now controlled by Obregon, everyone in this city is hoarding the 25-centavo, 50-centavo and peso bills, and there is a dearth of small change, which makes it difficult and in some instances impossible for the merchant to make the necessary change.

Hilario Berlie, a French citizen, was arrested and spent the night under arrest for no other reason than that he could not change a Villa bill tendered in payment in his store for some small purchase. The day prior I had sent to the local post office to purchase two pesos of stamps but the postmaster refused to sell them unless I sent the exact amount of my purchase, as there was no change in the post office. On the same day I had a similar experience for lack of change at the telegraph office. Neither the postmaster nor telegraph operator was arrested, but for the same experience an honorable foreign merchant is arrested and abused and looked upon with suspicion.

Nicolás Allende, an Ottoman subject, had his stock confiscated because he failed to submit an inventory of his goods to the authorities.

Federico Straub, on a similar frivolous charge, was arrested for buying Mexican silver pesos. Yet all telegrams sent out of Mexico must be paid in Mexican silver or gold and it is a crime to buy silver or gold money. This is one of the government's decrees I am compelled to break every time I send a telegram to Washington.

A great quantity of freight and merchandise had accumulated in the local freight depot due to the interruption of railway traffic. Two days ago the military chiefs, going through the warehouses, noticed these goods and had them all loaded on freight cars and made the freight employees surrender the corresponding bills of lading. I understand that the approximate value of this freight was about $400 U. S. Cy.

General Villa has also issued an order compelling the surrender of all work and dairy animals on the various haciendas and farms. These animals are to be shipped up north as additional booty and loot and the farmers are to remain without an ox, mule or cow to

assist them in tilling the soil or obtaining a means of scarce sustenance.

It is positively disgusting to read the expression of high moral ideals in General Villa's reply to President Wilson's note and to see the contemptible and hypocritical defrauding of the ignorant peon for his personal gain and greed and the tyrannical brutal oppression with which he treats all who are not willing to bow down servilely and obey his infamous and senseless decrees.

The United States will never be able to assist this unhappy country and its cruelly oppressed people until it puts aside all ideas of cooperation with such bandits as the man who calls himself the First Chief of the Conventionist Party of Mexico.

I have [etc.]

GASTON SCHMUTZ.

File No. 812.00/15222.

The Secretary of State ad interim to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 15, 1915—noon.

Brazilian Minister telegraphed yesterday he has reliable information authorities Mexico City fully disposed to arrange reasonable terms with General Carranza, suggesting armistice so that Carranza delegates can go to capital or Convention delegates can be sent to Carranza. The Minister states that peaceful entry of capital may thus be assured.

Bring foregoing immediately to General Carranza's attention and request he give it earnest consideration.

LANSING.

File No. 812.00/15229.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, June 15, 1915—noon.

638. For you information I transcribe below the terms proposed by Convention to reach an agreement as published in the Mexican Herald of even date:

1. That a general armistice be arranged covering the whole Republic for the period of a month counting from the date of the acceptance of this compact, during which time hostilities shall be suspended as well as all military movements in order that the military chiefs may freely adopt the line of conduct which they may deem best for the unification of the Revolution and the salvation of the Republic.

2. That in so far as principles are concerned there shall be accepted as the program of the politico-social reforms of the Revolution the principles contained in the additions to the plan of Guadalupe formulated in Vera Cruz by General Venustiano Carranza, the principles of the Plan of Ayala accepted by the Convention, and those of the Program approved by the Convention.

3. The preconstitutional government will be composed of a provisional president of the Republic and nine responsible ministers of whom three shall be chosen by the Ejército Constitucionalista, three by the Liberating Army of the

South and three by the Army of the North, these being subject to the law of parliamentarism passed by the Convention and of this assembly as the legislative power, being duly made up of representatives of all the factions accepted under the conditions accorded in Aguascalientes, civilian representatives of the generals being admitted.

4. The provisional president of the Republic will be named by an absolute majority of votes of the delegates of the Convention and must come from civil life, military candidates of whatever rank being excluded from this post.

5. The provisional preconstitutional government will retain its functions until December 31 of the present year, on which date the powers shall be turned over to the constitutional government which shall have been elected as the result of a call for elections which shall be issued at the opportune time by the Convention.

6. In order to arrive at a military equilibrium in the whole Republic the various chiefs shall preserve the respective command of the regions which they now dominate, being subject in regard to their political functions to the dispositions of the provisional government.

7. In the event of one faction invading in a military or undue manner the territory dominated by another this act will be considered as rebellion against the compact founding the provisional government and it will be the duty of the other factions in support of this government to put down the rebellion.

8. At the end of the period of a month filed [sic] in the first article, the Convention will proceed to take the necessary steps for the election of a provisional president of the Republic with the elements which, in response to this call, are gathered in the place where the said assembly may be in session.

9. Full amnesty for all revolutionists shall be decreed immediately as well as energetic action by the committee of public health composed of equal elements of the three factions for the purpose of purifying these factions and punishing the enemies of the Revolution.

Additional. This resolution shall be communicated immediately to General Pablo Gonzalez by a special commission in order that it may be made known to the military chiefs of his command and that he may reply to the Convention in the manner he deems proper, it being brought to this attention that the City of Mexico will be defended and that he will have to take it by fire and sword if he insists on his advance and that in case of the city being captured it will be submitted to a rigorous siege; and that this resolution will be issued in the form of a manifesto to all the revolutionary chiefs of the Republic.

CARDOSO DE OLIVEIRA.

File No. 812.00/15294.

The Secretary of State ad interim to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 15, 1915—3 p. m.

777. Please deliver the following message to President Lagos Cházaro, and a copy to Gonzalez Garza.

[Quotes message from Villa transmitted in Mr. Carothers' June 11, noon.]

ROBERT LANSING.

File No. 812.00/15236.

The Brazilian Minister to Mexico to the Secretary of State ad interim.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, June 15, 1915—5 p. m.

642. My 634, June 14, 3 p. m. I have just been assured that 5,000 Villistas under General Medina Veytia are expected in town in two or

three days which will increase the possibility of more bloodshed by the conflict between them and Carrancistas. It is the general belief, including the leading diplomatists here who so telegraphed to their Governments, that nothing would contribute more to call the different factions to reason and incline them to settle their differences than an immediate formal and effective prohibition of exportation of arms and ammunition to anybody in Mexico until the end of the trouble.

J. M. CARDOSO DE OLIVEIRA.

File No. 812.00/15219.

The Secretary of State ad interim to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 15, 1915—6 p. m.

779. Substance your 634, June 14, 3 p. m., has been communicated to Silliman with instructions to request General Carranza give matter most earnest consideration. Meantime, please impress upon Mexico City authorities importance of doing everything possible to have transfer of authority carried out by peaceful agreement. Active cooperation in this of all foreign representatives Mexico City extremely desirable.

ROBERT LANSING.

File No. 812.00/15235.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *June 15, 1915—7 p. m.*

Department's June 15, noon, presented personally to General Carranza, who thanks Department for its good offices, replying that General Gonzalez has the necessary instructions to determine any proposition made by the forces at present occupying the city. My impression is that the government occupying the city is considered to have little importance and any agreement entered into would be respected by neither Villa nor Zapata. I am informed that General Gonzalez will be perfectly fair and that foreigners and their interests will not be molested. The authorities should at the proper time confer with him regarding a peaceful entry.

SILLIMAN.

File No. 812.00/15251.

The Brazilian Minister to Mexico to the Secretary of State ad interim.

[Telegram—Translation.]

BRAZILIAN LEGATION,
Mexico City, June 16, 1915—11 a. m.

643. I beg to transmit following note delivered to me yesterday night.

CARDOSO DE OLIVEIRA.

MEXICO CITY, *June 15, 1915.*

MR. MINISTER: With respect to the declarations publicly made by His Excellency President Wilson as to the policy he will pursue in Mexican affairs, the Sovereign Revolutionist Convention has seen fit to authorize the citizen in charge

of the Executive Power to make the following declarations in accordance with the basis approved by the said Sovereign Convention and most dutifully entreating you to be pleased to transmit them to the Washington Government.

The Revolution which overthrew a government born of murder and usurpation and which, as President Wilson declared, had all of his and the American people's sympathies at the very moment of its triumph and when selfish tendencies took shape that would forcibly and necessarily have prevented the achievement of the demanded reforms and the realization of the sought ideals, split into three great groups whose aspirations, while having many points in common so far as their ends were concerned, very deeply differed and now differ on the form and process of such achievement.

This split, which the great majority of the people did not look for but which to those who knew the openly selfish disposition of one high in the group that headed the Constitutionalist faction, was unavoidable; and the manifestly democratic tendencies of the other groups brought forth the idea of calling a meeting of the leading elements of the factions with a view to arriving at a harmonious adjustment of all their differences and thus warding off another strife that would again stain our country with blood.

Such was the origin of the Sovereign Revolutionist Convention whose labors, originally undertaken at Aguascalientes, were exclusively bent on bringing together within a broad democratic formula all the interests and aspirations of the several revolutionist groups.

Unfortunately, fusion could not be completed. One of the groups, the Carrancistas, refused without reason and in spite of the oath taken by the members of the groups to carry out the resolutions of the Convention to obey the decree confirming General Eulalio Gutierrez in the office of Provisional President of the Republic; and that refusal started another war no less fierce than that waged to uproot the régime of the Huerta usurpation.

Notwithstanding the lack of excuse for the Carrancista rebellion, in spite of its representatives' promise on their honor to obey the resolutions of the Convention, notwithstanding the offensive conduct of its newspapers in striking contrast with the dignified and serene attitude of the Conventionist press, notwithstanding unlooked-for defections, the Convention persisted in its noble task of bringing together all the revolutionist elements; and recently, but prior to the note which gave occasion for these declarations, another appeal was made to that end to the leading Carrancista chiefs, to whom it was at once referred to arrange an armistice as the indispensable foundation for a satisfactory agreement.

There is no reason to believe that in the trying conditions now experienced by the country the Carrancista group will on this occasion stubbornly turn a deaf ear to the appeal now made to it; but if so, if it should once more refuse to listen to this call of fraternity and concord, upon that faction will rest the historic responsibility for the prosecution of a fratricidal war at the awe-compelling moment when the fatherland demands as its supreme hope for life that all those who confronted death that it might live prosperous and free, unite.

But whatever may be the outcome of the unification endeavor that has been undertaken and in so far as that end may be reached, the Conventionist Government will invariably aim at establishing the reign of law and restoring Constitutionalist order by setting up beforehand all those reforms which are the goal of the Revolution, which the Convention examined and proposes, to which the people are entitled and without which stable and organic peace can never be established. * * *

The Conventionist Government does not see, does not wish to see in the substance of the declarations made by His Excellency President Wilson anything more than an advice, a friendly suggestion to induce the contending groups to wipe out their differences and lead them into the path to the end pursued by the Revolution. Coming to the declaration that if we Mexicans can not settle our differences within a very short time the Government of the American Union will find itself constrained to decide as to what means it shall use to bring it about, the Conventionist Government can not understand how President Wilson previously declares in the same note that the United States does not desire or claim any right to settle the affairs of Mexico; and more to the same effect. The same chief of the American nation made at Indianapolis the following categorical declarations:

"I am proud to belong to a powerful nation which says that country Mexico which we could crush will enjoy the same liberty in the management of its affairs as we enjoy. If I am strong I should be ashamed to dictate to the weak in the measure of my strength. My pride consists in keeping my strength free and not in oppressing another people with it."

If, contrary to the interpretation which in the most friendly sense the Conventionist Government puts upon President Wilson's declarations, this closing part should signify a denial of the instinctive sympathy generously demonstrated to the Mexican Revolution and should further signify pressure or threat, the Conventionist Government, still harboring the consciousness of its sacrifice, will maintain the dignity of the Mexican people. We continue, however, to conjecture that the general idea of the Government of the United States is to help us in a friendly way to bring to an end our fratricidal struggle which would be for the greatest good of the country. The Government is ready to bring about by all means consistent with its dignity the fusion of all the contending groups, to initiate all the economic, political and social reforms aimed at by the Revolution and to establish a strong stable Government with which all tendencies and all legitimate interests will find the fullest favor and enjoy the guaranties which our fundamental law provides; and this course, which will invariably govern its acts, will be the fullest justification of the conduct of the Conventionist Government, in the hope that it will be duly appreciated by all the Governments with which it cultivates friendly relations.

FRANCISCO LAGOS CHÁZARO.

JUNE 14, 1915.

In compliance with the express order of the Sovereign Revolutionist Convention, I express to you the cordial thanks of this Honorable Assembly for the good offices tending to find a worthy solution of the present conflict

I renew to you for my part my most distinguished consideration and special regard.

IGNACIO BORREGO.

File No. 812.00/15230.

The Brazilian Minister to Mexico to the Secretary of State ad interim.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, June 16, 1915—noon.

645. Your 777, June 15, 3 p. m., and 779, June 15, 6 p. m. I have just complied with both requests. Cooperation of principal colleagues already in active work and I think all the others will help. They think peaceful settlement greatly depends upon calm discussion between factions.

CARDOSO DE OLIVEIRA.

File No. 812.00/15230.

The Secretary of State ad interim to the Brazilian Minister to Mexico.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, June 16, 1915—6 p. m.

784. Your 631, June 12, 5 p. m. Silliman telegraphs that Foreign Office requests him to express thanks of Carranza to Department and to you for good offices in transmitting message of Cházaro and to say there is no reply.

ROBERT LANSING.

File No. 812.00/15235.

DEPARTMENT OF STATE,
Washington, June 16, 1915—7 p. m.

785. Silliman telegraphed June 15 that General Carranza states General Gonzalez has necessary instructions to determine any proposition made by forces at present occupying Mexico City. Silliman informed that Gonzalez will be perfectly fair and that foreigners and their interests will not be molested. Silliman states authorities should at proper time confer with Gonzalez regarding peaceful entry.

ROBERT LANSING.

File No. 812.00/15215.

The Secretary of State ad interim to the Confidential Agent of the Constitutionalist Government of Mexico.

DEPARTMENT OF STATE,
Washington, June 17, 1915.

SIR: The Department has received your letter of June 12, transmitting a copy of a declaration addressed to the people of Mexico by Mr. Venustiano Carranza, and requesting that it be brought to the President's knowledge.

In reply you are informed that I have taken pleasure in transmitting to the President the declaration of Mr. Carranza.

I am [etc.]

ROBERT LANSING.

File No. 812.00/15253.

The Brazilian Minister to Mexico to the Secretary of State ad interim.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, June 17, 1915—6 p. m.

650. One of the most influential members of the Convention gave me following information: General Pablo Gonzalez refused all proposals for armistice and his forces are quietly approaching the city; the Convention forces are not disposed to evacuate and will resist to the utmost going so far as to fight if necessary in the streets of the city with great danger to foreigners and non-combatants and even with personal danger from mob and soldiers outrages. Conventionists, besides denouncing Carranza for his intransigency, also blame the Government of the United States for not arranging an armistice in the course of which the situation could be calmly discussed and probably a satisfactory settlement reached as the result of which not only bloodshed and great danger to innocent could be avoided but perhaps the long sought for peace could be secured. On this account situation can be regarded as more dangerous than ever as, if the Convention should have to evacuate after the fight, they will carry out their threats of cutting water supply, light and power, prevent by siege the coming in of all supplies, now very scarce, and finally cut out the cable and telegraph service, which will entirely isolate this city from the world.

CARDOSO DE OLIVEIRA.

File No. 812.00/15254.

BRAZILIAN LEGATION,
Mexico City, June 17, 1915—11 p. m.

651. I beg to inform you that resolution adopted at a special meeting of the Cabinet this evening fully confirms contents of my 650, June 17, 6 p. m., as far as resistance is concerned, including fighting within the city.

CARDOSO DE OLIVEIRA.

File No. 812.00/15261a.

The Secretary of State ad interim to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 18, 1915—7 p. m.

When an early opportunity permits, please say to General Carranza casually and in an unofficial and personal way that the Government of the United States is watching with the greatest earnestness for indications that the leaders of the principal factions in Mexico are assuming a conciliatory attitude toward each other with the view to finding in the near future some common basis for an understanding which will result in peace, order and reconstruction in the strife-ridden Republic. Emphasize determination of United States to adopt such measures as may be expedient to preserve Mexico for herself and the world. Intimate cautiously that it is within the possibilities to this end that the United States might recognize

General Carranza in view of the way in which things appear to be shaping themselves—at any rate the possibility of such recognition is not excluded by the policy of this Government—but that if General Carranza does not go the full length of conciliation and conference with all the principal factions, with the aim of adjusting differences and restoring peaceful conditions which the opinion of the whole world demands, the situation thus created may prevent the possible consideration of recognizing General Carranza, who need not in that event expect the Government to consider that course, much less adopt it. Impress upon him the utmost interest which the United States Government and the people generally throughout this country have in the early termination of personal jealousies and factional quarrels. They hope for and expect a unity of purpose on the part of the leaders to sink personal pride and aggrandizement and patriotically unite in an effort to rescue the Republic from the present conditions, which are causing poverty and famine at home and discrediting the Mexican people throughout the world. If the leaders are inspired with these motives the United States is hopeful that a new state of affairs may result, which will pave the way for sympathetic understanding and mutual confidence between the two great neighboring Republics. In this view General Carranza cannot overlook the advantage and possible duty of not insisting upon the establishment of his own dominion over Mexico until he has exhausted all reasonable means to unite the contending parties in a common movement which will bring peace and order to the entire Republic.

In your conversation with General Carranza mention that while the *Buford* was unloading 60,000 pounds of corn and beans consigned to the Consulate for charitable distribution to relieve famine conditions, and while meat, corn and other provisions are becoming more scare in Vera Cruz, the Ward steamer *Mexico* loaded roughly 100,000 pounds of beans for export to New York. Such occurrences, presumably with the sanction of Carranza authorities, have had wide circulation in the United States, as well as similar acts by factional authorities in the north, and are producing an extremely bad impression as to the motives of leaders who allow such practices when it is well known that the food supply of Mexico is at the famine point and that the President of the United States has been under the necessity of appealing to the American people for assistance to satisfy the starving in Mexico. Such exportations ought to be stopped at once. The true situation in this respect is a fact which ought to be admitted, regardless of the question as to who is responsible for bringing it about, and which can be met by cooperation in relieving an appalling lack of the necessaries of life.

LANSING.

File No. 812.00/15253.

The Secretary of State ad interim to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 19, 1915—6 p. m.

793. Your 650, June 17, 6 p. m. Department today telegraphing Silliman:

[Quotes Department's telegram of June 18, 1915, 7 p. m., to Special Agent Silliman.]

Make similar representations to authorities in Mexico City.

LANSING.

File No. 812.00/15253.

The Secretary of State ad interim to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 19, 1915—7 p. m.

Brazilian Minister reports Gonzalez has rejected all overtures from Mexico City authorities looking toward peaceful entry into capital. His attitude agravates already serious situation. Urge upon Carranza immediately that he order Gonzalez use great discretion in entering city to avoid killing pacificos and particularly to save foreign lives and property. Advices from Mexico City state owing to Gonzalez's intransigent attitude there is likely to be much bloodshed and great disorder. This Government is much concerned and keenly desirious that every consideration be given interest of city and its large foreign and pacific element. Any untoward incidents would tend to bring on grave complications.

LANSING.

File No. 812.00/15306.

Special Agent Carothers to the Secretary of State ad interim.

EL PASO, *June 19, 1915.*

SIR: I have the honor to enclose a communication received from Lic. Miguel Diaz Lombardo, in charge of the Office of Foreign Relations for the Conventionist Government, in which he requests me to notify you of the appointment of Lic. Francisco Lagos Cházaro as President of the Convention.

I have [etc.]

G. C. CAROTHERS.

[Inclosure—Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Chihuahua, June 15, 1915.

SIR: By direction of General Francisco Villa, Chief of Operations of the Conventionist Army, I have the honor to inform you that, General Roque Gonzalez Garza having resigned the office of President of the Sovereign Revolutionary Convention in charge of the Federal Executive Power and the Assembly having accepted his resignation, Licenciado Francisco Lagos Cházaro was appointed as his successor and has accepted and assumed charge of the said office.

I beg you to inform your Government of the foregoing, and I am [etc.]

For the Officer in charge:
ANT'O PÉREZ RIVERA.

File No. 812.00/15272.

Special Agent Silliman to the Secretary of State ad interim.

[Telegram.]

VERA CRUZ, *June 21, 1915—6 p. m.*

Department's June 19, 7 p. m. duly and earnestly presented. Previous assurances of guaranties by Gonzalez repeated. No responsibility assumed for consequences of resistance by forces occupying city or for disorder or depredations attending evacuation.

SILLIMAN.

File No. 812.00/15272.

The Acting Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 22, 1915—5 p. m.

795. Your 650, June 17, 6 p. m. Silliman telegraphs:

Previous assurances of guaranties by Gonzalez repeated. No responsibility assumed for consequences of resistance by forces occupying city or for disorder or depredations attending evacuation.

JOHN E. OSBORNE.

File No. 812.00/15288.

Special Agent Silliman to the Secretary of State ad interim.

[Telegram.]

VERA CRUZ, *June 22, 1915—5 p. m.*

Department's June 18, 7 p. m. Situation discussed with Carranza at noon yesterday. He began by reading paragraph from his own proclamation exhorting factions to submission. He was asked if he could go beyond this and invite leaders to conference to discuss differences with a view to agreement if submission could not be obtained. He replied that under no circumstances would he treat with Villa; that there was no expediency that could induce him to make any offer whatever; Villa and his associates must submit to military trial or leave the country. He appeared somewhat perplexed that the Government of the United States should be concerned for adjustment, conciliation common basis since any revolutionary Government established upon such theories would inevitably and necessarily

soon be found to be disappointing, ineffective and fruitless. The intimation of possible recognition did not in the least affect his impassive face. He did not want recognition conditioned on conciliation. The determination of the United States to adopt any other measures than the recognition and support of the Constitutionalist cause would be a regrettable injustice and great calamity for two friendly nations. If the Government of the United States will maintain neutral attitude the Constitutionalist cause will subdue the opposition and win recognition. Late yesterday evening a memorandum was sent for transmission of which the following is a summary:

First. The Constitutionalists cannot unite with the factions represented by the rebel chiefs, Villa and Zapata. History furnishes no example in any age or any country of civil war terminating by the union of the contending parties. One or the other must triumph.

Second. There is a fundamental reason for the present structure; it is not a question as to personalism. Villa represents the reactionary tendency which, without having achieved the ideals of the revolution, reserves for some future time the reformation of the laws. On the other hand the Constitutionalists represent the revolutionary tendency which proposes to obtain the reforms needed by the people prior to the establishment of constitutional order. Any combination of the two will produce only a temporary peace which could only result in new conflict.

Third. The most practical and quickest way to stop the civil war in Mexico is the triumph of that party which best represents the desire of the people, which is best in its morale and in its administrative organization. That party is the Constitutionalist party and through its recent victories its final triumph is sure. Therefore, the other revolutionists should submit, disarming their forces.

Fourth. Proper amnesty will be decreed at the proper time. All those who take advantage of it yielding their arms and the exiles being permitted to return to work and not to strife.

SILLIMAN.

File No. 812.00/15314.

The Confidential Agent of the Provisional Government of Mexico to the Secretary of State.

WASHINGTON, *June 26, 1915.*

EXCELLENCY: Pursuant to instructions just received from General Villa, I have the honor to inform your excellency that General Roque Gonzalez Garza, having resigned as President of the Sovereign Convention charged with the federal Executive Power, Mr. Francisco Lagos Cházaro, has been designated by the Convention as his successor.

Please accept [etc.]

ENRIQUE C. LLORENTE.

File No. 812.00/15316.

Consul Canada to the Secretary of State.

[Telegram.]

VERA CRUZ, *June 27, 1915—5 p. m.*

By special messenger: Zapata forces defeated Carranza forces in Mexico City. Capital entirely cut off from the world. Carranza rushing all available men to Mexico City. If Zapata forces are driven back I fear horrors will follow. No food in Mexico City.

CANADA.

File No. 812.00/15873.

Special Agent Silliman to the Secretary of State.

AMERICAN CONSULATE,
Vera Cruz, June 30, 1915.

SIR: Referring to Department's instruction to make representation for American interests in various parts of the country, and to the special representations made lately in regard to the depredations committed on American properties in this State, I have the honor to enclose herewith a reply just received from the Foreign Office which I think well to transmit immediately.

I have [etc.]

J. R. SILLIMAN.

[Inclosure—Translation—Extract.]

VERA CRUZ, *June 30, 1915.*

The Special Representative of the United States:

I have the honor to refer to your notes relating to telegrams sent to you by the State Department in regard to the protection of the interests and lives of foreigners.

In reply, I must state to you that it is a well known principle of international jurisprudence that every foreigner who leaves his own country to settle in another and create interests there ipso facto accepts both the good and the bad fortune of the country in which he has settled; notwithstanding this, no complaint or claim has ever been answered by an excuse based on this principle; on the contrary, the Commander in Chief, being anxious to preserve good order and enforce a respect for the law, has afforded guaranties to all foreigners and in particular to the Americans who, to tell the truth, have had the least ground of all for complaint.

If this were a normal period of our existence it would indeed be unusual for the facilities afforded by the Department of Foreign Affairs to the complainants not to yield a prompt remedy for the evils sought to be prevented; but, as the United States, the State Department and you very well know, we are engaged in a struggle for the establishment of a free Government and the necessities of the campaign have made it difficult for us to take care of small settlements and isolated ranches, owing to the large numbers of troops that have been required to fight the reactionaries, although even this has not caused any of the places for which protection was asked to be left unguarded.

I avail myself of this opportunity to state to you also that this Department has in turn observed with not a little surprise the unbecoming tone of the telegrams of the State Department which have called forth this reply; for so far from reconciling the common interest of the two Republics by bringing about as soon as possible a complete understanding, a better will and a closer relation of interests, the spirit of the messages appears very foreign to the harmony and good will which ought to exist between the two Governments. Of course, in making this remark to you I do so for the purpose of requesting you to make it known to the State Department in the manner which you deem most suitable, in order that our intention to honor these claims as far as they are just may be given the natural consideration due us, inasmuch as the Chief Magistrate is disposed to prevent any injury if unfortunately, owing to the struggle in which we are engaged, such may occur to foreigners, and to remedy it as far as the claim is just and reasonable.

I have [etc.]

ACUÑA.

File No. 812.00/15381.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico, July 4—7 p. m.

662. I beg to send you translation of the following letter just received from the French Minister, Dean of Diplomatic Corps:

MY DEAR COLLEAGUE: As you know, at a meeting of the Diplomatic Corps held in my house yesterday, General Serratos, late Minister of War, who came as an interpreter of the views of the Conventionist Government, made before us some statements which are condensed as follows:

1. The feeling is growing among the people and the army that the Washington Government is openly in favor of Carranza; to him arms and ammunition are coming from the United States; to the Conventionists a few medicines are sent by the American Red Cross.

2. If the prolongation of the fight leads to another evacuation of the capital, the Government, owing to the excitement of the public mind, would assume no responsibility for the violences which may be committed in Mexico City and elsewhere either by mobs and [or?] the lawlessness of the soldiery, as [and?] in the midst of such chaos there would be scarcely any discrimination between Americans and other foreigners.

3. The Government of the Convention has given the best proof of its desire to reach an understanding with the enemy in order to promote an armistice between the factions which it is considered that even now would lead to the designation by the military chiefs of a Provisional President even should he be Carranza himself.

4. The intransigent and cutting way in which Carranza received the two peace commissions sent to him by the Convention throws upon him and upon the United States the responsibility of the consequences which will eventually arise from the prolongation of hostilities.

In the tragic crisis through which the Mexican nation is going such statements are of the highest significance. In the name of my colleagues and in conformity with our agreement I address you the above asking that you kindly transmit it to the White House with our wishes that every attempt be made in order to obtain the reestablishment of the peace so strongly wanted by the country and to avoid still greater calamities.

LEFAIVRE.

DE OLIVEIRA.

File No. 812.00/15381.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 8, 1915—6 p. m.

808. Your 662, July 4, 7 p. m. While regretting conclusions of Conventionist Government, Department must disclaim any responsibility for interpretation put upon this Government's acts by the Conventionists or for consequences intimated by General Serratos. The control of ports by factions regulates facility for importing arms. This Government favors no faction in this respect or otherwise. On June 18 Department telegraphed Silliman to say to General Carranza in part:

Say to General Carranza that the Government of the United States is watching with the greatest earnestness for indications that the leaders of the

principal factions in Mexico are assuming a conciliatory attitude toward each other with the view to finding in the near future some common basis for an understanding which will result in peace, order and reconstruction in the strife-ridden Republic. Emphasize determination of United States to adopt such measures as may be expedient to preserve Mexico for herself and the world. Urge upon Carranza that he should go the full length of conciliation and conference with all the principal factions, with the aim of adjusting differences and restoring peaceful conditions which the opinion of the whole world demands. Impress upon him the utmost interest which the United States Government and the people generally throughout this country have in the early termination of personal jealousies and factional quarrels. They hope for and expect a unity of purpose on the part of the leaders to sink personal pride and aggrandizement, and patriotically unite in an effort to rescue the Republic from the present conditions, which are causing poverty and famine at home and discrediting the Mexican people throughout the world. If the leaders are inspired with these motives the United States is hopeful that a new state of affairs may result, which will pave the way to sympathetic understanding and mutual confidence between the two great neighboring Republics. In this view General Carranza cannot overlook the advantage and possible duty in not insisting upon the establishment of his own dominion over Mexico until he has exhausted all reasonable means to unite the contending parties in a common movement which will bring peace and order to the entire Republic.

On June 22 Silliman telegraphed in substance that, having taken up the matter, Carranza read him his proclamation exhorting all factions to submission, stating that under no circumstances would he treat with Villa; that the Constitutionalistas could not consider treating with the rebel chiefs Zapata and Villa; that it is not a question of personalism, and that Villa and his associates must submit to military trial or leave the country.

In view of this inflexible attitude of General Carranza a situation of the gravest nature is forced upon this Government, prompted as it is by feelings of deep friendship for the Mexican people. This Government has used its best offices to bring about a peaceful solution of difficulties afflicting the Mexican people, but its efforts have not always been met with a spirit of cooperation by the Mexicans themselves, whom it has desired to serve.

You might use your judgment in obtaining from the authorities in Mexico City a statement of their opinion after they have full knowledge of these facts.

LANSING.

File No. 812.00/15403.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *July 10, 1915—7 p. m.*

I am just informed from the office of the Chief of Staff that General Gonzalez entered Mexico City today after a sharp fight resulting in 3,000 casualties. The Zapatistas fled.

SILLIMAN.

NOTE.—On July 6 and 7, 1915, the diplomatic representatives of Argentina, Bolivia, Brazil, Chile, Guatemala, and Uruguay met informally with the Secretary of State, in pursuance of previous oral conversations, for the purpose indicated in the following communication.

File No. 812.00/15411.

The Minister of Guatemala to the Secretary of State.

GUATEMALAN LEGATION,
Washington, July 10, 1915.

SIR: Immediately after I had the honor of having a conference with your excellency on July 7, I sent the following cablegram to Guatemala:

TO THE PRESIDENT OF GUATEMALA:

Secretary Lansing called me this afternoon to inform me that President Wilson has authorized him to invite the Ambassadors of Brazil, Chile and Argentina and the Ministers of Bolivia, Uruguay and Guatemala to confer informally with the Secretary of State as to when it would be opportune to recognize in Mexico, and in what form moral support should be given to, some party there in order to establish it. I said to his excellency that as Guatemala always seconds the United States with the greatest pleasure and earnest desire and both countries being Mexico's closest neighbors, I therefore was completely at his excellency's disposal and that I would greatly appreciate his advice while I cabled to you, who always receive all American initiative with the highest pleasure.

JOAQUIN MÉNDEZ.

The President of Guatemala was good enough to answer my cablegram last night, in the following manner:

You acted right. Accept the initiative absolutely and place yourself completely at the disposal of what the American Government may resolve. Undoubtedly one of the means which could be used would be to help quickly and effectively one of the different parties or one of their leaders recognizing their belligerence and placing it in a position to obtain arms and ammunition. Please let me know what is resolved as I am deeply interested.

MANUEL ESTRADA CABRERA.

Hoping to hear from your excellency at your excellency's convenience, I beg to state that it will afford me great pleasure to be of any service to your excellency in this case and in any other as far as it may be possible.

Believe me [etc.]

JOAQUIN MÉNDEZ.

File No. 812.00/15422.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, July 11, 1915—1 p. m.

671. Received your 808, July 8, 1 [6] p. m., substance of which I will be glad to communicate to the Diplomatic Corps. As there are no Convention authorities in the city present please advise if I may try to communicate with them where they are.

I have to inform you that after a prolonged resistance as far as their ammunition permitted them to make the Conventionists evacuated the city; and that, heeding the strong and continuous appeals of myself and the leading diplomatic colleagues not to carry out their threats of fighting in the streets, vengeance upon foreigners, etc., which would have hurt them for any future agreement, they have retired very quickly. Carrancists are this morning peacefully

occupying the city and newspapers published a proclamation from Pablo Gonzalez and a decree of amnesty which will greatly contribute to calm spirits and preserve order.

I was informed that banks and stores will remain closed until a decision is reached as to the circulation of paper money. Water has been cut.

CARDOSO DE OLIVEIRA.

File No. 812.00/15433.

The Minister of Uruguay to the Secretary of State.[27]

[Translation.]

LEGATION OF URUGUAY,
Blue Ridge Summit, July 12, 1915.

MY DEAR MR. SECRETARY: Referring to the conference of the 6th instant to which I had the honor of being called by your excellency, I have the pleasure of informing you that I have received from my Government the authorization and instructions relating thereto and I am quite at your excellency's service.

Accept [etc.]

CARLOS M. DE PENA.

File No. 812.00/15452.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State.

WASHINGTON, *July 13, 1915.*

MY DEAR MR. LANSING: I have the honor to include hereinafter, for your excellency's information, the text of a telegram I received last night from Mr. Carranza, setting forth the efforts he is making to reestablish civil government in the City of Mexico and the earnestness with which he is endeavoring to improve the food conditions of its population:

VERA CRUZ, *July 12, 1915.*

LICENCIADO ELISEO ARREDONDO,
Mexican Embassy, Washington, D. C.

I have the pleasure to inform you that after several days of fighting, the City of Mexico was occupied yesterday by our forces, under the command of Major General Pablo Gonzalez, Chief Commander of the Eastern Corps of the Constitutionalist Army. Action was at once taken to organize the administration, the civil officers having already been appointed to take charge of the government of the Federal District and the Municipal Council. By special train today I sent all the personnel of the departments of the Treasury, the Interior and the Post Office, and prior to this time I had already sent the personnel of the telegraph office to restore communication. The Constitutionalist Government is now actively engaged in sending provisions to the city and will give full guaranties to everybody, whether native or foreigner.

V. CARRANZA.

With assurances [etc.]

E. ARREDONDO.

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[27] See editor's note preceding the letter of July 10 from the Minister of Guatemala.

File No. 812.00/15432.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, July 13, 1915—5 p. m.

672. Yesterday morning I had an interview with General Pablo Gonzalez and I was very favorably impressed with the utterances he made in regard to his intentions. He gave me every facility to obtain the reestablishment of cable communication. Also to do what he could to help the work of the International Relief Committee. The city is very quiet and absolute order prevails.

CARDOSO DE OLIVEIRA.

File No. 812.00/15450a.

The Secretary of State to the Ambassador of Argentina.[28]

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 13, 1915.

Owing to present conditions I would be obliged if you could let me know whether you have heard from your Government in regard to the subject of our conference at the Department.[29]

ROBERT LANSING.

File No. 812.00/15422.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, July 14, 1915—4 p. m.

813. Your No. 671, July 11, 1 p. m. As crisis in Mexico City has passed, Department will send its 808, July 8, 6 p. m., to Carothers instead of having you deliver it to Conventionists.

Department gratified at splendid work done by you, in conjunction with colleagues, in recent Mexico City crisis.

ROBERT LANSING.

File No. 812.00/15432.

DEPARTMENT OF STATE,
Washington, July 16, 1915—4 p. m.

819. Your 672, July 13, 5 p. m. The attitude assumed by General Gonzalez since his occupation of Mexico City has made a favorable impression upon this Government and it is hoped nothing will arise to deter him from his good purposes.

You may inform General Gonzalez that this message is being copied to Silliman for information General Carranza.

ROBERT LANSING.

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[28] A similar inquiry was made of the Ambassadors of Brazil and Chile and the Minister of Bolivia, Guatemala and Uruguay having already responded on July 10 and 12, respectively (see ante).

[29] Authorization of the Ambassador to participate in a conference on Mexican affairs.

File No. 812.00/15454.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 16, 1915—5 p. m.

You are instructed to say to Carranza that the general attitude of General Gonzalez in Mexico City has made so favorable an impression that this Government earnestly hopes that the continuation of his good work may not be jeopardized through failure to establish and maintain the equilibrium of currency in Mexico City, which is so necessary to the well-being of the community. His success in conserving the public interests in this sense will signalize him as a man of sound judgment.

LANSING.

File No. 812.00/15452.

The Secretary of State to the Confidential Agent of the Constitutionalist Government of Mexico.

DEPARTMENT OF STATE,
Washington, July 17, 1915.

SIR: The Department has received your letter of July 13, quoting a telegram from Mr. Carranza in regard to the measures he is taking for the reestablishment of civil government in Mexico City.

I am [etc.]

ROBERT LANSING.

File No. 812.00/15473.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, July 18, 1915—9 a. m.

677. Rather surprisingly, General Gonzalez and his forces, including the civil and military authorities lately appointed by him, have again evacuated the city and its surroundings. City Council has again assumed local government and appointed new chief of police. Mexican Herald says that 6,000 men were left here to maintain order, which seems not to be true. The pretext given in the press for leaving is the necessity of retaking Pachuca to prevent the union with the Zapatists of a column coming from the north to help them.

Gonzalez has advised as follows:

In view of the fact that the enemy recently expelled from this city has been committing outrages which cause uneasiness to its inhabitants, and wishing to find a remedy for such evils, I have decided to leave this city for a few days and go out personally to combat the enemy. In the meantime civil and military authority as well as sufficient garrison are left in the city and surroundings in order to afford proper protection to the people.

PAUL GONZALEZ.

Be that as it may, the truth is that we are every day further away from the end of our troubles and sufferings. Railway traffic with Vera Cruz is larger [sic] since yesterday and probably the cable will suffer the same fate again. Now the money question is worse than ever because no money is accepted by anybody and the conditions of life become really impossible. From all this and what you perfectly know besides, you may see that nothing good is to be expected. I really consider the situation hopeless in the true sense of the word.

CARDOSO DE OLIVEIRA.

File No. 812.00/15488.

BRAZILIAN LEGATION,
Mexico City, July 19, 1915—11 a. m.

678. My 677. Contrary to the official communication of General Gonzales the evacuation has been complete and the city left at the mercy of the first passing band. Zapatistas occupied city yesterday afternoon, appointed today some authorities and are therefore again in full power of the city. Happily they behaved well up to now but the whole situation remains as hopeless as before. It is expected President Cházaro and Conventionist Government will return soon, pending the next (seventh) evacuation.

CARDOSO DE OLIVEIRA.

File No. 812.00/15519a.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 20, 1915—6 p. m.

827. Should Conventionistas or Villistas secure control Mexico City you may, in your discretion, communicate to them Department's 808, July 8, 1 p. m.

ROBERT LANSING.

File No. 812.00/15515.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *July 21, 1915—6 p. m.*

Constitutionalist statement is that they were obliged to evacuate in order to prevent raiders from north cutting communication at Ometusco. Not stated why it was necessary to withdraw entire force. Says they will reoccupy within a week.

SILLIMAN.

File No. 812.00/15953.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, July 22, 1915—4 p. m.

683. I regret to inform you that the situation is growing worse every minute because, contrary to what was expected, President

Cházaro and his Government remained at Toluca leaving the city in the grasp of the band of Zapatistas which took possession of it after the evacuation. They are now indulging in violence, such as yesterday to have deposed and imprisoned all the members of the City Council. Last night they took possession of the Mexican Herald, an American property, and detained all its employees in the same building including its president, Mr. Paul Hudson; they used the machinery and supplies to publish their own paper, El Renovador. I immediately took every step to obtain the release of the Americans and the disoccupation of the offices but the Secretary of the Governor of the district, the only appropriate authority then available, answered that he had nothing to do with me or the American Government. I sent a telegram to President Cházaro at Toluca who answered immediately regretting the incident and stating that he had at once sent the necessary orders as desired. Up to now such orders have been quite disregarded and matters are in the same state as yesterday. This morning I sent a copy of Cházaro's message to the Governor and he answered that he could not execute it because he received orders from the Minister of the Interior to do what he had done. I am now trying to communicate again with Cházaro but with little hope of success because I anticipate that notwithstanding his excellent disposition his orders will not be obeyed.

In the midst of such chaos I confess my inability, which is likewise true of my colleagues, to obtain redress for any wrongs against our nationals, the more so when it seems that such wrongs are deliberately committed in order to create friction with foreign governments and especially the United States.

CARDOSO DE OLIVEIRA.

File No. 812.00/15611.

BRAZILIAN LEGATION,
Mexico City, July 25—11 a. m.

690. I have been requested to transmit to you the following message:

The American and other foreign residents of Mexico City are seriously alarmed by the recently increased disregard of troops and officials of this city for the lives and rights of peaceful residents irrespective of their nationality or position.

The acting Zapatista officials summoned the bankers of the city today and demanded the sum of 500,000 pesos on the ground that this amount must be supplied at once to prevent looting by their penniless and hungry troops. Later these officials secured 300,000 pesos from a government institution which had been previously overlooked and without reference to their demand on the bankers to 200,000. The latter promised them 60,000 pesos and the matter is in suspense. The dangers of looting are very grave; food supplies are nearly exhausted and unobtainable even by persons having money as nothing coming into the city. The violations of property rights are daily becoming more flagrant. Within the past 24 hours an American, a son of the Chargé d'Affaires of Chile, a Swiss citizen and Spaniard traveling in an automobile flying the United States flag and bearing despatches from an official representative of the United States were stopped by soldiers, the despatches and the flag torn into bits and the Spaniard taken away for execution.

For the past three days the American owner of the Mexican Herald, members of his family have been held prisoners on no specified charge and the repeated efforts made by the Brazilian Minister representing American interests here have been contemptuously disregarded.

The Herald, which is the only daily paper published in English here, was suppressed by the so-called authorities and its plant is being used to print El Renovador, their newspaper and political organ.

Daily recurring incidents demonstrate that the lives of men, women and children whom circumstances may place in position to thwart the caprices of the armed savages who terrify this city and its environs are in ever-increasing jeopardy. There is no recognized authority, nothing which by the extreme of courtesy may be called a government. The action taken against the Mexican Herald and its American owners is in open defiance of explicit orders from their own [omission] President, Lagos Cházaro, who unfortunately is in Toluca and to whom numerous appeals for protection have been made. We have appealed repeatedly to the Government for the protection which we feel to be our due and we again ask that effective and immediate measures be taken to afford us that protection.

It is certain that the representations so far made by the Washington Government to the factional leaders in Mexico have served only to increase their manifest contempt for that Government and to incite them to greater outrages against the foreign residents in Mexico.

THE AMERICAN SOCIETY OF MEXICO,
J. D. HELM, *Secretary.*

The foregoing communication is unanimously indorsed for the truth of its statements by the International Committee of Mexico.

S. W. RIDER, *Acting Chairman.*

CARDOSO DE OLIVEIRA.

File No. 812.00/15560a.

The Secretary of State to the Ambassador of Brazil.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 26, 1915.

I have now heard definitely from all of the countries except Brazil in reference to the subject of our conversation of July 16.[30] Owing to the critical state of affairs and the growing necessity for immediate consideration of the matter, I would be obliged if you could let me know at the earliest moment of the disposition of your Government in this particular.

ROBERT LANSING.

File No. 812.00/15546.

Special Agent Cobb to the Secretary of State.

[Telegram.]

EL PASO, *July 26, 1915—3 p. m.*

Lombardo plan, published Sunday morning, to ignore Carranza, respect Villa and unite Carranza generals with Villistas, tends only to further disorganization and to end any tangible hope for voluntary agreement between the two factions. Villa's conduct and the demoralization of his organization (my various recent reports) which is merely the death struggle of his collapse, I think exclude the Villistas as a permanent factor. Yet they are a temporary menace to their own people, to foreign rights, and as possible tools for Huertistas.

It is respectfully recommended that you consider the wisdom of forbidding the invasion of foreign rights and, if violated, that you

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[30] See the Secretary's telegram of July 13 to the Ambassador of Argentina, and foot notes.

consider an embargo or some other means of bringing an end to this Villa menace.

COBB.

File No. 812.00/17547a.

The Secretary of State to the Ambassador of Brazil.[31]

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 29, 1915.

Can you meet here for informal conference with other diplomatic representatives in accordance with our recent conversations, on August 5 at 2.30 in the afternoon?

ROBERT LANSING.

File No. 812.00/17548.

The Ambassador of Brazil to the Secretary of State.[32]

[Telegram.]

LONG BRANCH, N. J., *July 29, 1915.*

Will be present August 5 at 3 o'clock. Am cabling again to Rio.[33]

GAMA.

File No. 812.00/15679.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, July 29, 1915—4 p. m.

692. I have been requested to transmit to you the following message:

The following was unanimously adopted in special meeting at Mexico City by the board of the American Society of Mexico on July 28, to be sent by any route possible to the State Department at Washington and to the press and people of the United States:

The American residents appeal once more to their Government and people in behalf of the suffering millions of pacific men, women and children in this country who are victims of hunger, cruelty and violence. These conditions put the gravest and most urgent responsibility upon the United States which not only has passively permitted them but has promoted them with arms and ammunition and by encouragement to political adventurers who have prostituted the name of liberty and the cause of human rights.

Americans and other foreigners stand aghast and wonder whether they can be living in the twentieth century and in a country bordering on the United States, which has made itself responsible to the world for protection of life and property here and yet does nothing more than send repeated warnings that are derided by half-savage men drunk with ill-gotten power and the spirit of graft and hate.

For many months the Americans here, driven almost to desperation, have tried to bring their Government to a realization of the awful situation and begged that the American people be informed. Their request, long denied, was finally conceded in part by the President in his own statement of June 2, reciting briefly the conditions in Mexico. These conditions, then hardly endurable, are much worse now and the apparent inactivity of the Government at Washington fills Mexico with despair.

There is not even a semblance of Government here at the capital and we are living on a smouldering volcano. The entire city council has been imprisoned without cause.

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[31] Similar communications were made to the Ambassadors of Argentina and Chile and the Ministers of Bolivia, Guatemala, and Uruguay. See the Guatemalan Minister's letter of July 10 and the accompanying notes.

[32] Similar acceptances received from the other diplomatic representatives.

[33] Refers to the Secretary's message to him dated July 26.

We have seen three changes of armed government in thirty days. There is no communication with the world except by special messenger. Last week an American messenger was seized a few hours out of this city; the American flag torn to bits and an official mail packet from Vera Cruz for the Brazilian Minister in charge of American interests was rifled and destroyed by Emiliano Zapata in person. The son of the Chilean Minister, and attaché of the Legation in the party, was robbed and stripped. A wealthy and cultured Mexican, mistaken for a Spaniard, was bound and dragged for fiendish sport until nearly dead, then carried off to be shot. Two street cars were stopped in the city yesterday by soldiers and the passengers robbed of valuables and clothing and otherwise abused. These are only examples.

Unworthy Americans like Charles A. Douglas, Henry Allen Tupper and certain correspondents in the pay of Carranza try to convince the world that Mexico is not hungry and Red Cross work not needed, thus seeking to give the lie to thousands of their fellow countrymen in Mexico, including Mr. O'Connor, special agent sent here by the American Red Cross.

The suffering from hunger here and elsewhere has become appalling and the number of deaths from that cause, reported as ten to twelve daily in this city, is increasing rapidly. Mr. O'Connor has been here one month and has not yet succeeded in bringing a pound of food into the capital or to receive even a message from Washington regarding the work.

He has been requested by the International Committee not to try to purchase any of the little remaining foodstuffs in the city because that would raise still higher the present fabulous prices. He has bought here seventy-five tons of chick peas and some meat for making soup. That will last a very short time and unless relief comes meanwhile the Red Cross must suspend its efforts and close the headquarters almost before it has begun. There is no [omission] for the hungry babies of the poor. Hunger affects not only the poor but also the middle classes and those who were wealthy a year or two ago. The International Relief Committee with great difficulty secured an empty train and started it one hundred miles north a month ago to bring corn that was bought last March but which the committee has not been able to move. A Villa Conventionist commander would not allow the train to reach its destination. The [omission] of the committee finally gathered five carloads of food and arrived two days ago within forty miles of this city, when they were turned back by soldiers with the information that no one could bring food into the capital, although this was to be given free of charge by the foreigners to the starving Mexicans. Carranza, since he went to Vera Cruz eight months ago, has never sent nor permitted food to come to the capital from his territory. Nothing can be done except by bribery. It is the general belief the food supplies can not be brought in quantity into the city unless protected.

The Mexican Herald, the only English periodical left, was seized and suppressed last week by the pretended authorities here in contemptuous defiance of protests by the Brazilian Minister. The real reason for the seizure was made plain when the confiscators took possession of the Herald building and issued their own official organ there, using the Herald's plant; also paper and materials to the value of more than 30,000 pesos.

One of the largest stores in the city was burned last night. The fire engines failed to arrive in time because the outgoing troops had taken all the horses of the fire department. The Mexican paper peso, worth approximately fifty cents American money two years ago, is now worth less than five cents, and the Mexican finds it much harder to get that peso now than two years ago. Under such conditions and with food supplies practically exhausted the suffering can be imagined.

A messenger from El Oro brings reports that the soldiers have seized all the corn there and that dog meat is being sold in the streets. The few reports coming from outside the city nearly all show the same condition of distress.

If something is not done by the United States or other foreign governments to open communications, supply food, and stop the killing of men, outraging of women and destruction of property, there will be still graver complications for the world to settle in Mexico. The breaking point has been reached and foreigners who have long counselled self-restraint are becoming desperate because of what they see around them and what they suffer themselves.

CARDOSO DE OLIVEIRA.

File No. 812.00/15680.

BRAZILIAN LEGATION,
Mexico City, July 29—6 p. m.

693. I beg to inform you that on July 25, dominated by the fear of some approaching forces which afterwards proved to be Villistas, the Zapatistas again evacuated the city, including therefore the building of the Mexican Herald. Foreseeing their return, which occurred immediately, I caused the American seals to be placed on the building, Mr. Hudson its director remaining inside at his own request. Things are in such a state that publication of the paper is suspended notwithstanding the assurances and orders of President Cházaro and his Minister Quevedo. The Conventionist Government remains at Toluca and Cházaro fails to reply to my last communication relative to the Herald.

In addition I have been confidentially and very reliably informed that the Zapatistas are planning to make a search of the Legation for arms and food supplies which they suppose exist here in large

quantities. As to arms there are a few in deposit belonging to Americans who had to turn them over to the Legation by virtue of previous decrees of all factions. As to food, we have nothing. All this and the horrible lack of effective authority, guaranties and food in the city cause great suffering and extreme irritation to every one including foreigners especially Americans even against me as if I were responsible, as they hold the United States for what is happening. It is really an unbearable situation for all. It is impossible to foresee what may happen shortly unless immediate steps are taken for the renewal of telegraphic and rail communication and the solution of this dreadful state of affairs.

CARDOSO DE OLIVEIRA.

File No. 812.00/15681.

BRAZILIAN LEGATION,
Mexico City, July 30—noon.

694. For the past five days the city has been evacuated and reoccupied by Zapatistas three times. As soon as a small group of Constitutionalists approach, they run away in the most disorderly manner amidst unexpected and unnecessary shooting in the streets, which has caused the death and wounding of many noncombatants including the Secretary of the District Government who was killed yesterday. Looting in the suburbs has also been committed. The food situation is growing worse every hour and transportation and communication by mail or telegraph is nil. The so-called Government of the Convention continues Toluca, entirely inactive, unable to have orders obeyed in the city. Danger and hopelessness are proper words to sum up all that could be said.

CARDOSO DE OLIVEIRA.

File No. 812.00/15629.

BRAZILIAN LEGATION,
Mexico City, August 3, 1915—6 p. m.

699. Cable just opened. After some days of fighting in the streets which caused the death of several noncombatants, among whom was a British subject, the Carrancistas under General Pablo Gonzalez have again occupied the city. Gonzalez repeated the assurances of guaranties given in his previous manifesto but the situation remains unchanged for the moment on account of the lack of food and the restrictions put upon the circulation of Conventionalist currency. A decree has been published today ordering all inhabitants of Mexico City to deliver their arms and ammunition within five days under penalty of death. I am endeavoring to arrange that Americans be allowed to retain their arms as before.

CARDOSO DE OLIVEIRA.

File No. 812.00/15643.

BRAZILIAN LEGATION,
Mexico City, August 4, 1915—4 p. m.

701. My 699, August 3, 6 p. m. Last night I received a letter from General Gonzalez stating that in consideration of my request American citizens would be exempt from the order to deliver their arms and ammunition.

This morning I also received a visit from intimate friend of General Gonzales who came to say that Gonzalez was bringing sev-

eral carloads of provisions to relieve the situation in the city and that he desired me to know that he came with the best disposition towards the inhabitants of the city and wished to prevent any violence or confiscations of persons or property.

The city is very quiet but nothing has been done to relieve the money question and as the only money available is the Villista and this is refused in all transactions, more suffering is added to the poor and middle classes for whom life is a true problem.

CARDOSA DE OLIVEIRA.

File No. 812.00/15752½.

General Villa to Messrs. Llorente and Bonilla.[34]

[Telegram.]

CIUDAD JUAREZ, *August 5, 1915.*

Your telegram of yesterday. Do not remember just now the details of your proposals to the White House Government, but our desire is that the country return as soon as possible to its normal life; that a legal government born of the popular will may be established; that the courts of the Republic may work regularly and free from all coercion; that the land be distributed; that the condition of workingmen be improved; that a lasting peace, which may guarantee the welfare and property of Mexico, be procured; that Carranza may not reach the executive office of the Nation only because of his personal ambition, but that the person to be elevated to that office be freely selected and appointed by the Mexican people.

We ourselves have not and do not request a peace conference from our enemy, but we do not oppose any peace parleys; on the contrary, we are willing to make all kinds of efforts and sacrifices in order to stop, in the shortest possible time, the calamities of war and thereby restore peace to the country. As a proof of this we point out the prompt action with which we met the friendly suggestions made some time ago by President Wilson to the principal factional leaders now under arms in Mexico.

FRANCISCO VILLA.

File No. 812.00/24278a.

The Secretary of State to the Ambassador of Brazil.[35]

DEPARTMENT OF STATE,
Washington, August 9, 1915.

MY DEAR MR. AMBASSADOR: I enclose for your information copies of the communication[36] to the chiefs of the factions in Mexico, such as the Conference agreed upon at its last meeting.[37] As you will recall, it is proposed to send this communication to a number of influential persons in Mexico, a preliminary list of which was prepared by Ambassador Suárez and is being considered by me with a view to ascertaining whether any names could be added. * * *

I am [etc.]

ROBERT LANSING.

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[34] Copy received at the Department of State on August 19, 1915.
[35] The same to the other conferees.
[36] Not printed; it was revised at the meeting of August 11. See the telegram of August 13, 6 p. m., to Mr. Parker.
[37] The meeting of August 5 (see the Secretary's July 29).

File No. 812.00/15794b.

The Secretary of State to the Minister of Guatemala.[38]

DEPARTMENT OF STATE,
Washington, August 9, 1915.

MY DEAR MR. MINISTER: In accordance with the understanding reached at the last session of the Conference on Mexican Affairs, I call the Conference to reassemble Wednesday afternoon, August 11, at 2 o'clock at the Hotel Biltmore, New York City. I would be obliged if you would let me know that you will be present at the meeting.

I am [etc.]

ROBERT LANSING.

File No. 812.00/17056.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State.

[Translation.]

WASHINGTON, *August 10, 1915.*

MR. SECRETARY: Upon the announcement of the conferences which were to be held between your excellency, as Secretary of State of the American Government, and the representatives of the Republics of Argentina, Brazil, Chile, Bolivia, Uruguay and Guatemala, my natural impression was that their object would be to examine the Mexican situation from the standpoint of international law, in order to appraise the respective weight and attitude of the contending parties and factions, with a view to granting recognition to the one which should fulfill the requirements and conditions prescribed by international practice in such cases; but the insistency with which the press has been reporting that these conferences were for the purpose of adopting and had even already adopted a plan of pacification in Mexico, and the declarations which the daily newspapers ascribe to your excellency, have caused just alarm to the Constitutionalist Government, presided over by Mr. Carranza, who instructs me to tell your excellency that although he is not aware of the exact nature of these conferences, he has heard that Mexican affairs are discussed therein with the idea of determining a mode of settling them.

Mr. Carranza and the persons cooperating with him are thoroughly convinced that if the American Government were acquainted with the real Mexican situation it would realize that the only possible, just and acceptable solution would be to allow the revolution to take its natural course until the complete triumph of the party which represents the greatest needs and popularity.

The Constitutionalist Government, as represented by Mr. Carranza, refrains from expressing any opinion with regard to the conferences being held, for it does not know their character or the conclusions reached in them, and because it does not wish to furnish a pretext for the supposition that it tacitly consents to them; but at the same time it deems it its duty to make expressly known to the

[38] The same to the other conferees.

American Government the displeasure with which the Mexican Government and people would look upon any act which might have the effect or tend to frustrate the triumph, already practically attained, over the hostile reactionary factions by the Constitutionalist Army, which represents the ideals and hopes of the Mexican people.

I reiterate [etc.]

E. ARREDONDO.

File No. 812.00/15758a.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 13, 1915—6 p. m.

You are instructed to translate and immediately deliver the following message to General Emiliano Zapata and to all other prominent military and civil authorities that you can possibly reach in central and southern Mexico whom our consuls may not be able to reach.

A communication, made severally and independently, to all prominent civil and military authorities in Mexico, from the Secretary of State and the diplomatic representatives at Washington of Brazil, Chile, Argentina, Bolivia, Uruguay, and Guatemala.

WASHINGTON, D. C., *August 11, 1915.*

The undersigned, the Secretary of State of the United States, the Ambassadors Extraordinary and Plenipotentiary of Brazil, Chile, and Argentina, and the Envoys Extraordinary and Ministers Plenipotentiary of Bolivia, Uruguay and Guatemala, accredited to the Government of the United States of America, acting severally and independently, unanimously send to you the following communication:

Inspired by the most sincere spirit of American fraternity, and convinced that they rightly interpret the earnest wish of the entire Continent, have met informally at the suggestion of the Secretary of State of the United States to consider the Mexican situation and to ascertain whether their friendly and disinterested help could be successfully employed to reestablish peace and constitutional order in our sister Republic.

In the heat of the frightful struggle which for so long has steeped in blood the Mexican soil, doubtless all may well have lost sight of the dissolving effects of the strife upon the most vital conditions of the national existence, not only upon the life and liberty of the inhabitants, but on the prestige and security of the country. We can not doubt, however—no one can doubt—that in the presence of a sympathetic appeal from their brothers of America, recalling to them these disastrous effects, asking them to save their mother land from an abyss—no one can doubt, we repeat—that the patriotism of the men who lead or aid in any way the bloody strife will not remain unmoved; no one can doubt that each and every one of them, measuring in his own conscience his share in the responsibilities of past misfortune and looking forward to his share in the glory of the pacification and reconstruction of the country, will respond, nobly and resolutely, to this friendly appeal and give their best efforts to opening the way to some saving action.

We, the undersigned, believe that if the men directing the armed movements in Mexico—whether political or military chiefs—should agree to meet, either in person or by delegates, far from the sound of cannon, and with no other inspiration save the thought of their afflicted land, there to exchange ideas and to determine the fate of the country—from such action would undoubtedly result the strong and unyielding agreement requisite to the creation of a provisional government, which should adopt the first steps necessary to the constitutional reconstruction of the country—and to issue the first and most essential of them all, the immediate call to general elections.

An adequate place within the Mexican frontiers, which for the purpose might be neutralized, should serve as the seat of the conference; and in order to bring about a conference of this nature the undersigned, or any of them, will willingly, upon invitation, act as intermediaries to arrange the time, place, and other details of such conference, if this action can in any way aid the Mexican people.

The undersigned expect a reply to this communication within a reasonable time; and consider that such a time would be ten days after the communication is delivered, subject to prorogation for cause.

ROBERT LANSING,
Secretary of State of the United States.
D. DA GAMA,
Ambassador Extraordinary and Plenipotentiary of Brazil.
EDO. SUÁREZ-MUJICA,
Ambassador Extraordinary and Plenipotentiary of Chile.
R. S. NAÓN,
Ambassador Extraordinary and Plenipotentiary of Argentina.
I. CALDERON,
Envoy Extraordinary and Minister Plenipotentiary of Bolivia.
CARLOS MARIA DE PENA,
Envoy Extraordinary and Minister Plenipotentiary of Uruguay.
JOAQUÍN MÉNDEZ,
Envoy Extraordinary and Minister Plenipotentiary of Guatemala.

You may say to General Zapata that an identical message has been sent to General Villa and his chiefs, General Villa having previously indicated to this Government, after a conference with General Scott, his willingness to participate in such a conference.

See that Agent, Puebla, obtains a copy of message so he may distribute.

Telegraph date delivery to different State authorities.

LANSING.

File No. 812.00/15758a.

The Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 13, 1915—6 p. m.

You are instructed to translate following message and deliver same immediately to all the prominent military and civil authorities in your district. Telegraph date delivery to different State authorities.

Repeat to Consul at San Luis Potosi for like action, instructing him to repeat to Consuls at Guadalajara, Aguascalientes and Guanajuato for like action.

Department desires that authorities in Nuevo Leon, Coahuila, Tamaulipas, San Luis Potosi, Zacatecas, Querétaro, Guanajuato, Aguascalientes and Jalisco be duly informed.

[Here follows the communication, identical with that transmitted to Mr. Parker; see telegram of this date next above.]

LANSING.

File No. 812.00/15758a.

The Secretary of State to Consul Canada.[39]

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 14, 1915—2 p. m.

You are instructed to deliver following message immediately to all the prominent military and civil authorities in your district, handing copy to Silliman for presentation to General Carranza, and repeating to Progreso and Frontera.

[Here follows, in the Spanish text, the same message as that sent to Mr. Parker in the telegram of August 13, 6 p. m.]

Telegraph date of delivery to different State authorities.

LANSING.

File No. 812.00/15882a.

The Secretary of State to all Consuls and other representatives of the United States in Mexico.

DEPARTMENT OF STATE,
Washington, August 14, 1915.

SIR: There is enclosed herewith the printed text of the message signed by the Secretary of State and the diplomatic representatives in Washington of Brazil, Chile, Argentina, Bolivia, Uruguay and Guatemala, bearing on the Mexican situation, which was sent you by telegraph today.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

[Inclosure.]

[Text of message in Spanish and English, dated August 11, 1915.]

File No. 812.00/15826.

The Confidential Agent of the Provisional Government of Mexico to the Secretary of State.[40]

WASHINGTON, *August 19, 1915.*

EXCELLENCY: By instructions of General Francisco Villa, I take pleasure in communicating to your excellency the following self-explanatory telegram, dated Torreon, Coahuila, August 16th:

TRANSLATION.

The undersigned, General-in-chief of the Army of the Convention, being duly informed of the contents of the courteous note, severally, independently and unanimously addressed to him on the 11th and received by him on the night

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[39] The same—omitting the passage "handing copy to Silliman . . . Progreso and Frontera"—to the following Consulates: Tampico, Chihuahua, Ciudad Juarez, Durango, Hermosillo, Matamoros, Nogales, Nuevo Laredo, Piedras Negras, Torreon, Mazatlan, Acapulco, Manzanillo, Los Mochis, Guaymas and Ensenada; and to the British Consul at Salina Cruz, changing the word "instructed" to "requested."

[40] Receipt acknowledged August 25, 1915.

of the 15th instant, by their excellencies the Secretary of State of the United States, the Ambassadors of Brazil, Chile and Argentina, and the Ministers of Bolivia, Uruguay and Guatemala, has the honor to return the following reply:

The undersigned, as well as the Convention Government, feel assured that they possess the power and resources with which to continue the present struggle in defense of the rights of the Mexican people and their institutions until such time as the realization of the high ideals of the Revolution shall guarantee a substantial and stable peace, but in view of the praiseworthy and fraternal attitude of the United States and our sister republics of Brazil, Chile, Argentina, Bolivia, Uruguay, and Guatemala, and in order that peace in Mexico may become an early and accomplished fact, followed by the restoration of constitutional order, the undersigned, for himself and on behalf of the Convention Government, is disposed to accept, and does cordially accept, the good offices of their excellencies, for the purpose of bringing about a conference of delegates representing the recognized contending factions in Mexico, so as to reach, if possible, a mutually satisfactory agreement, and thereby save, with dignity, the national honor, in the accomplishment of which, be it well understood, the Convention Government will employ every effort to meet the benevolent desires expressed by their excellencies.

It is proper that the undersigned should add, by way of explanation, that all military chiefs and civilian officials affiliated with the Convention Government desire only to witness the reestablishment of a government in Mexico that will bind itself to hold popular elections by which the people may, with absolute freedom, designate their representatives in office regardless of any preference which such chiefs and officials may entertain in favor of any candidate or candidates.

The undersigned having now complied with a most agreeable duty, begs to assure their excellencies of his profound and respectful consideration.

FRANCISCO VILLA.

Begging that your excellency will kindly communicate the purport of the foregoing to their excellencies the Ambassadors and Ministers above named,

I avail [etc.]

ENRIQUE C. LLORENTE.

File No. 812.00/15898.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *August 24, 1915.*

Am requested to send the following textual communication, dated August 21, received by me this evening:

The Honorable ROBERT LANSING
[and other signers of the note of August 11].

The Citizen First Chief of the Constitutional Army in charge of the Executive Power of the Union having read the circular note which your excellencies were pleased to address to him through the Honorable John R. Silliman, Confidential Agent [etc.] wherein you tender your good offices for the reestablishment of peace in the Mexican Republic, has seen fit to decide that I apply to you, as I hereby have the honor to do, and beg you to inform him whether the said note has been issued by authority of the Governments you worthily represent and in their names, or whether you have sent it in your private capacity and without any official character.

Accept [etc.]

JESÚS ACUÑA,
In charge of the Department of Foreign Relations.

SILLIMAN.

File No. 812.00/15944.

The Confidential Agent of the Provisional Government of Mexico to the Secretary of State.

[Extract.]

WASHINGTON, *August 27, 1915.*

EXCELLENCY: I had the honor to receive from the Department of State, on the 14th instant, a copy of the circular note dated August 11, severally, independently and unanimously addressed [etc.]

Patriotism dictates that the contending factions should reach a speedy and unselfish solution of their differences through a free exchange of views, putting aside all personalities, vain projects and prejudices.

It is for this reason, with singular satisfaction, that I recognize as most applicable and sound the suggestions and good counsel of your excellency and the ambassadors and ministers, and as far as my modest influence and position permit, I accept without hesitation the tender of good offices in the form mentioned, so that, in a duly neutralized spot within the national frontiers and distant from the armed camps of either faction, a conference between the parties can be held, which I trust may prove fruitful of a happy termination of the present wasteful and unnecessary struggle.

May I ask your excellency to be good enough to convey to their excellencies the Ambassadors of Brazil, Chile and Argentina and the Ministers of Bolivia, Uruguay and Guatemala each a copy of this communication?

Please accept [etc.]

ENRIQUE C. LLORENTE.

File No. 812.00/16115.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Extract.]

No. 75.] MEXICO CITY, *August 29, 1915.*

SIR: With reference to the Department's telegram dated August 13, 6 p. m., in which I was instructed to translate and deliver immediately to General Emiliano Zapata and all other prominent military and civil authorities in central and southern Mexico a note [etc.], I have the honor to inform the Department that I sent copies [etc.].

There are enclosed the formal replies to the note of General Emiliano Zapata, General Francisco Pacheco, General Palafox and Licenciado Eduardo Baz, Governor of the State of Mexico. There is also enclosed the reply of Licenciado Ignacio Borrego, Minister for Foreign Affairs of the Conventionist Government at Toluca, who replies for the President of the Convention, Licenciado Francisco Lagos Cházaro.

General Zapata, in his acknowledgement to me, states, in reference to the information given in the latter part of the Department's telegram above referred to relative to General Villa, that he notes with satisfaction the attitude of General Villa.

I have [etc.]

CHARLES B. PARKER.

[Inclosure 1—Translation—Extract.]

General Emiliano Zapata's reply.

EJÉRCITO LIBERTADOR.
GENERAL HEADQUARTERS.

I have had the honor to receive the communication [etc.]

In common with the chiefs under my command, I cordially accept your fraternal mediation for the purpose of finding a basis of agreement between the contending factions in our country.

The Sovereign Revolutionary Convention has called upon the Carrancistas to lay aside all personal feeling and, inspired by the supreme revolutionary ideal, meet with us and our companions of the Division of the North for the purpose of working in common for the aggrandizement of the Mexican nation. But unfortunately our cordial advances have met no response, and this has compelled us to continue the struggle against the wilful group of compatriots who are trying at any cost to impose the personality of a man who, like Don Venustiano Carranza, seeks to become the dictator of the whole revolutionary movement.

Nevertheless we understand that it is our duty to come to terms with the real revolutionaries whenever they withdraw from all allegiance to a First Chief adorned with all the attributes of sovereignty and by his own will alone transformed into a military leader, political director, supreme legislator, and arbiter and guardian of the Revolution.

Therefore since we, and with us all the chiefs composing the Villa-Zapata union, are formally represented in the Sovereign Revolutionary Convention, to the decisions of which we have agreed to conform, I believe that it is this Convention which should participate in the pacifist conferences, in the name and in representation of us all.

I therefore most respectfully decline, in favor of the Convention, the kind invitation that is extended to me, and will have my representative in that body make one of the group of commissioners which it will send to the said conferences.

I avail [etc.]

EMILIANO ZAPATA,
Commander in Chief of the Liberating Army.

GENERAL HEADQUARTERS,
Tlaltizapán, August 26, 1915.

[Inclosure 2—Translation—Extract.]

Reply of the Conventionist Minister of War, General Pacheco.

WAR OFFICE,
Huitzlac, Morelos, August 24, 1915.

I am wholly in favor of holding the conference mentioned, but only on the following bases:

1. The intervention of the representatives of the friendly Nations shall be limited exclusively to arrangements for the conference, without in the least touching our national autonomy.
2. The revolutionary ideals shall be assured of realization.
3. All personal considerations shall be absolutely excluded.

Desiring that this labor may be beneficial to my country, I repeat the assurances of my consideration.

FRAN'CO V. PACHECO.

[Inclosure 3—Translation—Extract.]

Reply of the Conventionist Minister of Agriculture, General Manuel Palafox.

DEPARTMENT OF AGRICULTURE.

In reply to the note dated at Washington the 11th instant, [etc.], I have the honor to say that I consider sincere the mediation that you offer in the affairs of my country for reestablishing peace and constitutional order, a mediation

which I accept, if and when it has for its object nothing prejudicial to the national honor nor to the social principles for which the Mexican people engaged in the war.

Upon the formation of the Villa-Zapata union, it was considered that this union would have as intermediaries or mediators a high body made up of the principal chiefs of both revolutionary parties; and although it was sincerely desired that that body should comprise the principal chiefs of the Carrancista party, this was not realized, on account of the persistent opposition of Mr. Carranza, who endeavored at any cost to intrude his personality at the sacrifice of revolutionary principles in spite of the representations that were earnestly made to him. The high body—to which was given the title of "Sovereign Revolutionary Convention"—is the one that now guides all the acts of the social revolution, and it may now be said that it has unified all the revolutionary elements of both parties and is endeavoring to unify all the sane Carrancista elements.

Therefore I am obliged to decline, in favor of that high body, my representation, in order that that high body itself—taking into consideration the social principles now being defended and the national honor—may participate in the conferences to which you allude, in order to arrive at an agreement that will have for its object the unification of all the revolutionary elements and the establishment of the provisional or preconstitutional government.

Accept [etc.]

M. PALAFOX.

CUERNAVACA, MORELOS, *August 25, 1915.*

[Inclosure 4—Translation—Extract.]

Reply of the Conventionist Provisional Governor of the State of Mexico, Gustavo Baz.

FREE AND SOVEREIGN STATE OF MEXICO,
OFFICE OF THE GOVERNOR.

Carefully informed of the note dated at Washington the 11th instant, directed to the military and political chiefs [etc.] I have the honor to say to your excellencies that the writer hereof, as Provisional Governor of the Free and Sovereign State of Mexico—a Federal Unit which, in spite of all the circumstances of war, maintains in working order all its social institutions and in operation its important sources of wealth—sees with positive satisfaction and the greatest gratitude the philanthropic attitude of those American Republics which issue a humanitarian call to the contending parties and offers them their disinterested aid upon the ground of friendship. And the writer hereof believes that it is feasible to obtain the unification of the revolution, provided that the principles animating all the belligerent factions are harmonious; and believes that the factions are divided only by the personal ambitions of certain leaders in control of the policy of their respective parties.

These sentiments permit me to accept, as in fact I do accept, the good offices of the worthy Representatives of the above-mentioned Nations, to the sole end of acting as intermediaries in effecting the arrangements for a meeting, at a suitable place in Mexico, of the militant groups and for the conclusion of a strong and inflexible agreement preliminary to the creation of a provisional government which, without rendering nugatory the aspirations of the Revolution, shall, rather, unify the sentiment of the same and prepare for government under the Constitution.

For these reasons I venture in my turn formally to invite you jointly in the precise terms of our respective notes to arrange for the proposed conferences with the delegations of all the parties, to which conferences I shall have the honor, personally or by duly accredited representative, of participating, and I now offer to respect as neutral territory the place that shall be designated for that purpose.

Accept [etc.]

GUSTAVO BAZ.

TOLUCA, *August 21, 1915.*

[Inclosure 5—Translation—Extract.]

Reply of the Minister for Foreign Affairs of the Conventionist Government, Ignacio Borrego.

MINISTRY OF FOREIGN RELATIONS.
TOLUCA, STATE OF MEXICO.

The Conventionist Government has carefully studied the note sent by the conduct of Mr. Charles B. Parker, in charge of American interests in Mexico, and I have the honor to send to your excellencies by the same honorable conduct the reply drawn up in accord with the Citizen charged with the Executive Power, Licenciado Francisco Lagos Cházaro, and in keeping with the bases approved by the Sovereign Revolutionary Convention at the special session of the 20th instant.

The Conventionist Government cannot ignore the call made in the name of American fraternity to end the present strife and establish peace and constitutional order.

This Government would abandon its openly unionist attitude, assumed from its beginning and maintained throughout, if on this occasion it should refuse to seek once more a means of solving the present difficulty and conciliating the principles, interests and aspirations of the contending groups.

And precisely because first of all it desires the union of the revolutionary factions, this Government considers that the good offices of the representatives of friendly nations, nearly all of whom have the same origin, speech, beliefs, institutions, interests and ideals as ours, would be of benefit to our country by facilitating a rapprochement between the contending groups and ending a war that threatens to continue indefinitely.

Therefore the Conventionist Government accepts the friendly and disinterested offer made to it, persuaded that neither the national autonomy nor the principles of the Revolution will suffer thereby.

It is with great satisfaction, therefore, that I inform your excellencies that the Conventionist Government agrees to participate, by its duly authorized representatives, at the peace conferences to be celebrated on Mexican soil at a place previously neutralized.

In the latter part of the note which I have the honor to answer it is intimated that your excellencies are disposed to act individually and collectively as intermediaries in arranging the date and other details relating to the conference. The Government emanating from the Convention fully appreciates this suggestion and accepts the disinterested offer made to it, and therefore I have the honor, in its name, formally to invite you jointly to proceed with all the arrangements relative to the conferences.

I avail [etc.]

IGNACIO BORREGO.

TOLUCA, MEXICO, *August 21, 1915.*

File No. 812.00/16109.

Acting Consular Agent Robinson, Oaxaca, to the Secretary of State.

VERA CRUZ, *September 1, 1915.*

SIR: I have the honor to enclose a statement covering the views and attitude of the State of Oaxaca in relation to the note directed by you and the Plenipotentiaries of the Latin American nations to the armed and contending factions in the Republic of Mexico.

As the State of Oaxaca has been cut off from all mail and telegraphic communication since June 5, no copy of the note was received, and the first intimation of a note having been issued by the Powers was a translation in "El Mexicano" published in Mexico City on August 18 which was received in Oaxaca on the 23d. As I had nothing official to present to the Oaxaca State Government, they could not reply to the note officially; but at the request of Mr. José Inez Dávila, Governor of the State, and of Mr. Guillermo Meixueriero, Commander of the State Forces, after several conferences with

them, the enclosed statement was drawn up and in conformity with their wishes I am transmitting the same to you.

I am [etc.]

CLIFFORD K. ROBINSON.

[Inclosure—Translation.]

Statement by the Government of the Free and Sovereign State of Oaxaca.

In view of the note directed by the Secretary of State of the United States of America and the Plenipotentiaries of the Latin American nations to the chiefs of the armed and contending factions in the Republic of Mexico, it is with justice that attention be called to the State of Oaxaca in order to demonstrate that constitutional order has not been destroyed in all of Mexico, but that there exists one state in which the General Constitution of the Republic of February 5, 1857, still rules and is maintained in most perfect order with legislative, executive and judicial powers working in their normal condition in conformity with the General Constitution and in conformity with the local laws of the State.

The State of Oaxaca not having participated in the armed struggle that has caused such havoc to the Republic, greatly laments the unhappy condition of the country and, not believing it expedient to form a new element or armed nucleus to reestablish order and peace and because it considers it unpatriotic to give birth to a new element of discord and division, has decided that the best manner of serving the country is to try to conserve peace and constitutional order. The Government of the State of Oaxaca has therefore not antagonized anyone and when the Carranza faction tried to remove constitutional order in some of the districts of the State and clearly expressed their intention of dragging Oaxaca into disorder and anarchy, the State of Oaxaca issued by Act of Congress the Decree No. 14 on June 3, 1915, declaring that the State resume its sovereignty and be ruled by the General Constitution of February 5, 1857, the Reform Laws, its local political constitution and other State laws, until such time as peace and constitutional order should be reestablished and a government instituted that would operate in conformity with supreme constitutional precepts. In order to make its sovereignty respected they count on sufficient armed element composed of volunteers from all of the towns; all of the frontiers of the State are garrisoned by forces to repel any invasion and in the capitol and other towns of the Central District of the State there are other forces stationed to assist at any moment, at any point, when it may become necessary to defend the territory of the State.

Should the Powers desire a meeting-place within the Mexican Republic in which to hold the proposed conference, the capital of the State of Oaxaca offers every facility because its Government is not a belligerent faction but is working under constitutional precepts, the reestablishment of which in the rest of the Republic is precisely what is desired by the Powers that are interesting themselves for the peace of Mexico.

As the text of the President's note of June 3 and the note of the Powers directed to the armed factions in Mexico intimated that they desire that the Mexican people themselves should reflect on the disasters of the armed contentions and should proceed to harmonize and settle their own difficulties, supporting a man or group of men who will reestablish order, it would be only justice to take into consideration the correct attitude of the State of Oaxaca and give its representatives a hearing in any arrangements for the reorganization of the Mexican Union.

OAXACA, OAXACA, MEXICO, *August 28, 1915.*

File No. 812.00/15898.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 3, 1915—4 p. m.

Replying to Señor Acuña's communication of August 21, forwarded in your August 24, addressed to me and the six diplomatic

representatives who signed the communication to Mexican leaders on August 11, you will inform him that I am formally authorized by the Ambassadors of Brazil, Argentina and Chile, and the Ministers of Bolivia, Uruguay and Guatemala, acting severally and independently, to communicate to him the following:

"My signature to the communication of August 11 was in my official capacity."

On my own behalf I send an identical communication.

LANSING.

File No. 812.00/16124a.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 3, 1915—5 p. m.

41. Telegraph brief statement regarding present conditions Mexico City, number Americans that have left since arrival Gonzalez, present status railway communication with Vera Cruz, and probable number Americans who will leave in immediate future; also whether attitude American colony toward you is friendly or otherwise.

LANSING.

File No. 812.00/16037.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Telegram—Extract.]

MEXICO CITY, *September 4, 1915—6 p. m.*

50. Department's 41, September 3, 5 p. m. General order in Mexico City good but considerable fighting between factional forces in vicinity. There seems to be a good disposition on the part of the higher authorities to afford ample guaranties to foreigners but they cannot always control their men.

Health conditions bad and growing worse. Typhus fever spreading rapidly. Some cases of beriberi. Cause of both is lack of food and sanitation.

Food situation bad. American Red Cross distributing more than 30,000 liters soup daily which does not meet demands.

Merchants are suffering from decree nullifying paper currency previously received by them, also decrees limiting hours of labor.

Railway communication with Vera Cruz uncertain, dangerous, and very unsatisfactory.

Probably 150 Americans have left city since arrival of Gonzalez of which about half were destitute and sent by this office.

The majority of Americans here now are either unable to leave on account of financial conditions or wish to remain by their homes and interests. Very difficult to estimate number here, probably not more than a thousand. Attitude of Americans now remaining seems to be that having endured the situation to this point they would not leave

unless ordered to do so peremptorily by the Department, the order being based on important international developments which would jeopardize their safety.

I have no reason to believe that the attitude of American colony is other than one of helpfulness and friendliness toward me and am assured that such is the case.

There is on foot a movement towards the organization of defense leagues among the various important foreign colonies with the exception of the British and a growing idea looking to the concentration of all foreigners for mutual defense in case of international complications or mob rule. Have been requested by leaders American organization to approach diplomatic representatives of the other colonies here with a view to securing their sanction for internment Americans in their concentration camps in case of need but have made no move in that direction. It has been hinted that the underlying purpose of the organizations is one of offense as well as defense but I have no confirmation thereof. In case of international complications probably Americans would be in greatest danger and Spaniards next but I feel that all foreigners would share more or less the same fate. The situation is dangerous for the reason that in case of international complications the so-called authorities would very likely lead or incite mob rule instead of endeavoring to give guaranties to foreigners and other noncombatants.

PARKER.

File No. 812.00/17552.

The Ambassador of Argentina to the Secretary of State.

ARGENTINE EMBASSY,
Buena Vista Spring, Pa., September 6, 1915.

MY DEAR MR. SECRETARY: I have already decided to leave Washington on my trip to Buenos Aires on the 15th of this month and I am very interested in knowing exactly whether the next conference on the questions of Mexico will be held before that date, as I would earnestly desire.

It seems to me that the time agreed for receiving the answers from Mexico will expire in a very few days, and I would thank you very much if you would be so kind as to inform me in this regard. I also would appreciate it very much if you would be kind enough to tell me when, in your opinion, it will be possible to hold that next conference.

Thanking you [etc.]

R. S. NAÓN.

File No. 812.00/17552.

The Secretary of State to the Ambassador of Argentina.

DEPARTMENT OF STATE,
Washington, September 7, 1915.

MY DEAR MR. AMBASSADOR: I received your letter of yesterday informing me [etc.]

I think you are right that the time agreed upon for receiving answers from Mexico will expire within a very few days, but at the same time I feel that Carranza should be given every op-

portunity to reply to our communication in order that he may have no excuse that we acted hastily.

I believe that we shall receive his answer in a very few days, although it may be delayed possibly until the end of this week. As soon as I can state anything positively I will communicate with you at once.

With warm regard [etc.]

ROBERT LANSING.

File No. 812.00/16037.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 9, 1915—4 p. m.

45. Your 50, September 4. Department is again making representations to Carranza behalf suffering poor in Mexico City.

LANSING.

File No. 812.00/16088.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *September 10, 1915.*

I am requested to transmit the following:

REPLY OF GENERAL CARRANZA TO THE PAN AMERICAN NOTE.

CASTILLO DE SAN JUAN DE ULLOA, *September 10, 1915.*

YOUR EXCELLENCIES: Having acquainted Citizen Venustiano Carranza, First Chief of the Constitutionalist Army in charge of the Executive Power of the Union, with the considerate note[41] in which you say that you signed in your official capacity the note[42] you sent him under date of August 15 last, inviting him to a conference with the chiefs of the rebel party to consider the Mexican situation and establish peace, he has seen fit to direct me to address your excellencies as I now have the honor to do and say to you in his name that as First Chief of the Constitutionalist Army in charge of the Executive Power of the Republic he cannot consent to a discussion of the domestic affairs of the Republic by mediation or on the initiative of any foreign government whatever, since it is the imperative duty of all to respect the sovereignty of the several nations and inasmuch as acceptance of the invitation of your excellencies would deeply affect the independence of the Republic and set a precedent for foreign intervention [intromisión] in the settlement of our internal questions. This consideration alone would suffice to prevent this Government, in the legitimate defense of the sovereignty of the Mexican people and of the other American peoples, from accepting it. But besides this fundamental consideration there are others which I do not wish to pass over; I desire, rather, to bring to your minds the intimate conviction that the action of the First Chief in charge of the Executive Power in adopting this course is prompted solely by the highest duties laid upon him by his high office. I am sure that your excellencies do not doubt that Mexico is now stirred by a genuine revolution, which aims at doing away with the last vestiges of colonial times as well as with all errors and excesses of past administrations, and

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[41] See the telegram of September 3 to Mr. Silliman.

[42] See the telegram of August 14, 2 p. m., to Consul Canada, instructing him to hand a copy of the note to Silliman for presentation to Carranza, who received it the following day.

satisfying the noble yearning of the Mexican people for well-being and improvement. In the course of our civil strife the aspirations of our people have been refined and clarified, our men have made themselves known, and, under the guidance of the most pressing needs of the nation, the First Chief has proclaimed a complete program of reforms, which has served as the foundation of a new social organization that has begun to take root and of the constitutional government hereafter to be established.

On the other hand, your excellencies may have noticed, from the replies made to your note addressed to the civil and military chiefs under the First Chieftainship, that the First Chief is the only authority that could and does pass upon the question that was submitted to the consideration of those who gave in their answers eloquent examples of discipline and solidarity and striking evidence of the First Chief's ability to maintain unity in the Constitutionalist Government in the face of a protracted struggle and the ignoble and persistent intrigues of our enemies with the object of relaxing discipline in the Constitutionalist Army and corrupting its leading commanders. On the First Chief, therefore, rests the immense responsibility of realizing the national aspirations; and he cannot, through a compromise [transacción], endanger the fatherland nor permit the enemies of the cause he represents to take direct part in the government. Neither does he deem it just or wise to let the blood spilt on the soil of the Republic go to waste by entering the path which your excellencies courteously and disinterestedly show to him but which, from the teachings of our experience, he believes to be wrong.

Started by Don Francisco I. Madero, the Revolution of 1910 could not be carried out because of the compromise [transacción] effected at Ciudad Juarez with the old régime. The treaties there concluded allowed the enemies of the people a footing and formed one of the main causes of the tragic events of February, 1913, which are surely known to your excellencies, and in the contriving of which no small part was taken by several foreign ministers accredited to the Government of Mexico. After the assassination of President Madero and the consummation of one of the most infamous treasons, the First Chief of the Constitutionalist Army, then Constitutional Governor of the State of Coahuila, took the position he was bound to take under the Constitution. Refusing to recognize General Victoriano Huerta as Chief of the Executive Power and issuing an appeal to the Governors of the other States and commanders of forces to second him in his endeavor to free the people from the ignominious dictatorship of the usurper of the public power, his call was enthusiastically responded to by the people, and long and bloody was the struggle. The Citizen First Chief conquered the usurper, who had at his disposal the largest army the Republic ever had. However, while that conquest was being completed, the reactionaries bribed one of the Constitutionalist generals, Francisco Villa, who made his appearance as chief of a new reactionary movement, availing himself of the powerful forces with which he had been entrusted by the First Chief and mainly aided by those who had supported Huerta the usurper. After the deplorable spectacle of the Aguascalientes Convention and through a renewed fierce struggle the cause of the people again won. The strife is now nearing its end and the reactionary faction, annihilated, is seeking refuge on the northern border, controlling only the State of Chihuahua, a small part of the State of Sonora, and, in the center, the State of Morelos, which the Constitutionalist forces will soon occupy. The First Chief with an army of 150,000 men now dominates the greater part of the national territory and in the vast region under his authority all the departments of public government have been reestablished, all the ways of communication have been repaired, connections have been restored for railway traffic, and in the fields and cities there is a renascence of the activity and bustle of ordinary life.

I have no doubt that your excellencies will draw from the foregoing statement the conviction that by entering into agreements with the vanquished faction the First Chief would not only relinquish the victory won at the cost of so many sacrifices but also the First Chieftainship of the Constitutional Army and the Executive Power of the nation and thereby foil the faith and confidence reposed in him by the Mexican army and people.

Furthermore, your excellencies must not forget that the yearning of this people for freedom and democracy is entirely legitimate and that nobody has a right to prevent their enjoyment in the not distant future of the fruits of their trying struggle.

In view of the foregoing, the Citizen First Chief of the Constitutionalist Army in charge of the Executive Power directs me to say to you, as I now have the honor to do, that he regrets his inability to accept your courteous invitation under the conditions and for the purposes stated therein; but that, imbued with the sincerity and noble desires of the Governments of your excellencies to contribute to the restoration of peace in Mexico (soon to be restored by the forces of the Constitutionalist Government) and by way of responding to the courtesy of your excellencies and in evidence of the harmony and true friendship that must exist among the American Republics, he in his turn has the pleasure of inviting you to join—in person or by a committee appointed from among your excellencies—in a conference with him, which can be held at one of the border towns on the banks of the Rio Grande held by his forces which might be agreed on in advance, for the purpose of discussing Mexican affairs from the international standpoint, with the sole object of determining whether your excellencies consider that the First Chief of the Constitutionalist Army in charge of the Executive Power, Citizen Venustiano Carranza, exercises a de facto government in the Republic with all the attributes for recognition as such, and, if so, of recommending to your respective Governments that he be recognized in that character.

This would afford a further occasion for drawing closer the relations of friendship between the people and Governments of your excellencies and the Mexican people and Government.

I have the honor [etc.]

JESÚS ACUÑA,
Secretary in charge of the
Department of Foreign Relations.

SILLIMAN.

File No. 812.00/20689.

The Confidential Agent of the Provisional Government of Mexico to the Department of State.

MEMORANDUM.

The undersigned, Confidential Agent of the Provisional Government of Mexico, has read in the public press what purports to be the reply of Mr. Venustiano Carranza, First Chief of the Constitutionalist Forces, addressed by him on the 10th instant to the Secretary of State of the United States, the Ambassadors of Brazil, Chile and Argentina and the Ministers of Bolivia, Uruguay and Guatemala, in response to their note of August 11 last. The observations made by Mr. Carranza in the above-mentioned communication persuade the undersigned to comment on certain of the statements contained therein, which, by reason of the many personal responsibilities of Mr. Carranza and the trust imposed in him by certain of the military leaders of the revolution, may induce the public to accept those statements as true.

In an ambiguous and unworthy manner, Mr. Carranza accuses those who support the Provisional Government as endeavoring to attack the sovereignty of their country, merely because, in response to a suggestion in harmony with their peaceful desires, they have seen fit to accept a disinterested proposal that the contending factions meet and enter into a conference for the purpose of reaching an accord in respect to existing difficulties in Mexico, brought on through the ambitions of Mr. Carranza himself—a proposal that Mr. Carranza rejects merely because it is in conflict with his desire to continue to govern by means of a dictatorship, with reference to the wise and fundamental laws of the nation providing a proper check

against abuses arising out of the unwarranted exercise of power by any one man or any group of men.

In announcing this purpose, Mr. Carranza's acting Minister of Foreign Relations has recourse to the same devices that many times have been announced by his inspired press, namely: that those who have revolted against the national authority, which he pretends to represent, have been aided by the reactionary element now in exile, a statement so flagrant and notoriously false that it is considered unnecessary to seriously deny it. In this connection, however, it may not be improper to allude to the fact that Mr. Carranza himself has not hesitated to receive into his military service many officers of the former Federal Army, which would seem to signify on his part an obsession that all those officers who favor his cause are patriots, while those who fail to join him are traitors—a mental process often identified with the character of those autocrats who endeavor to unite the pretended necessities of the State with their personal ambitions.

Mr. Carranza's gratuitous accusation of rebellion against those who oppose him is as unfortunate as it is inconsistent. He conveniently forgets that the Convention of Aguascalientes, composed of a majority of his own generals who ostentatiously bore the title of "armed citizens," declared him a rebel.

The title of "First Chief," with which he was invested by his own Plan de Guadalupe, became inoperative with the overthrow of Huerta, and the Convention of Aguascalientes recognized that fact. Carranza, consequently, possesses none of the attributes of provisional president, because he was divested of all power by that Convention; furthermore, he has never assumed the title. Under these circumstances, it is difficult to conceive how a state of rebellion against the authority of Mr. Carranza, a mere chief of a faction, can or could exist.

Mr. Carranza does not exercise exclusive control over a single state in the entire Republic, though it is to be admitted that, like the Provisional Government, he enjoys a partial sway in many of them, in some more and in others less, a sway evenly counterbalanced by that of his opponents. Meanwhile, atttention is specially invited to the fact that in the states of the south the forces of the Provisional Government have been making steady headway, by the capture and occupation of points of strategic advantage.

It is painful, in a public correspondence of this character, to make accusations against a fellow citizen, but I am compelled by the declarations of Mr. Carranza himself, in support of his obstinate claims of recognition as chief of a de facto government, in reality a dictatorship, to point out that, according to the Carranza theory, it will be necessary for an indefinite period to maintain in Mexico a government opposed to constitutional principles. It is asserted that, during the lapse of lawful order in Mexico, he proposes to bring about the social reforms demanded by the revolution, which would thereafter, as he asserts, be sanctioned, modified or rejected by a constitutional congress. This remarkable idea of initiating provisional reforms sheds a true light on the qualities and vain ideas of Mr. Carranza as a statesman, and on his concepts of constructive administration, all contradictory and inconsistent with his motto of "Constitution and Reforms". This is brought out in bold relief when it is noted that Mr. Carranza declares his intention of dis-

obeying Article 128 of the Constitution, which provides that immediately upon the restoration of peace the Constitution shall be revived in vigor. Thus it would seem that the Carranza faction is composed alone of Constitutionalists who oppose the Constitution.

Were Mr. Carranza and his supporters true Constitutionalists, they would long have accepted and proclaimed Mr. Manuel Vasquez Tagle as legal successor of the late President Madero. Mr. Vasquez Tagle, aside from his constitutional title to office, is eminently fitted to fill the presidency, not only in compliance with the requirements of the law, but because he has remained in dignified retirement and without identification with either of the contending parties. Indeed, I am gratified to add that his character, leaning always towards the side of justice, and possessed, as he is, of absolute respect for the law, would insure those guaranties which ought not to be dependent on personal favoritism. If Mr. Vasquez Tagle is at present residing within territory occupied by the Carranza forces, why is he not recognized and invested with the authority with which the Constitution endows him? This question is not difficult to answer. The Constitutionalist faction is, for the moment, blinded by a temporary success which inspires a complete indifference to all save the military dictatorship which has committed so many depredations wherever it has passed.

As an example of the anti-constitutional attitude of Mr. Carranza, attention is respectfully invited to his pretended exercise of the right of removal of José M. Maytorena and Felipe Riveros, respectively constitutional Governors of Sonora and Sinaloa, the only reason assigned being that they would not unconditionally obey his orders.

Many more accusations could be made against the régime of Mr. Carranza, demonstrating his absolute lack of ability to restore peace as well as law and order, but I prefer to confine myself only to a criticism of the points which he has officially raised in his note.

ENRIQUE C. LLORENTE.

WASHINGTON, *September 13, 1915.*

File No. 812.00/17552a.

The Secretary of State to the Minister of Guatemala.[43]

DEPARTMENT OF STATE,
Washington, September 13, 1915.

MY DEAR MR. MINISTER: I have arranged for a meeting of the Conferees on the Mexican situation, to be held in my office on September 15 at three o'clock. If you cannot arrange to be present, please be good enough to let me know in advance.

I am [etc.]

ROBERT LANSING.

[43] Similar communications to the other conferees.

File No. 812.00/16163.

The Ambassador of Brazil to the Secretary of State.

[Telegram.]

LONG BRANCH, N. J., *September 13, 1915.*

Regret that owing to inflammation in eyes cannot make trip to Washington and beg to be excused.

GAMA.

File No. 812.00/16163.

The Secretary of State to the Ambassador of Brazil.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 14, 1915.

In accordance with the suggestion of Ambassador Suarez, conference has been postponed until September 18 at two p. m. at Hotel Biltmore, New York City.

ROBERT LANSING.

File No. 812.00/16217.

The Confidential Agency of the Provisional Government to the Secretary of State.

[The following communication was received at the Department of State on Sept. 17, 1915, in an envelope bearing the stamp of the Confidential Agency of the Provisional Government of Mexico.]

Mr. Miguel Diaz Lombardo, Minister of Foreign Affairs at Chihuahua, has wired the Confidential Agency the following self-explanatory communication:

Mr. ENRIQUE C. LLORENTE,
Washington, D. C.

Referring to your telegram of the 11th instant. In my opinion Carranza is endeavoring to deliberately mislead the diplomatic representatives of the American republics who have sought to bring about the peace conference.

In the first place, Carranza boasts of an exaggerated patriotism, making it understood that the discreet and friendly suggestions of these distinguished diplomats constitute an offense against our national sovereignty despite the conclusive declarations made by the Governments of Brazil and Argentina. In reality what Carranza desires to do is to avoid any discussion which might reach the public knowledge, which would plainly demonstrate that justice and reason are on our side, proving also that Carranza is lacking in legitimate authority to assume the executive power of the nation, as he has pretended to do and which he still affects to exercise, without physical control.

Carranza omits to say in his note that precisely one year ago, with the object of putting an end to the disorder prevalent in the capital of the Republic, brought on by reason of his own weakness as a ruler, Generals Villa and Obregon proposed to him that, in accordance with articles 5 and 6 of the Plan of Guadalupe, he should assume the Provisional Presidency, appointing a cabinet as required by law, composed of ministers and not of mere subordinates. Furthermore it was proposed that he should reform the judicial problem and call election, inasmuch as the triumph over the reactionary régime was complete, the Federal Army dissolved, and the country in readiness to enter upon a state of peace. Indeed, there was nothing to oppose the restoration of legal

order, as referred to in the above-mentioned Plan of Guadalupe. Had Carranza followed that Plan, which serves as a platform for the revolution, and endeavored to establish a constitutional government, the country would have been saved from the present struggle.

Carranza neglects to disclose in his note that the military convention of last year was called by him; that it met in Mexico City; that the Division of the North took no part in the deliberations; and that the Convention decided to transfer its deliberations to the city of Aguascalientes, where it would be joined by the delegates of that Division. Therefore what Carranza calls the "lamentable spectacle of the convention at Aguascalientes" was the result of a decision reached by his own generals, without being influenced by the chiefs of the Division of the North.

Carranza also omits to add that he presented his resignation as First Chief of the Constitutionalist Forces charged with the executive power of the nation, to the convention at Mexico City and afterwards to the Convention at Aguascalientes, expressly recognizing by these acts the sovereignty of the assembly to determine his status as executive.

Carranza also prudently refrains from alluding to the fact that his separation from the executive power which [44] assumed was resolved with practical unanimity by the [44] that is to say, by his own generals and governors.

It is plain, therefore, that Carranza [44] really the rebel, and hence lacks legal [44] govern the country. In respect to the [44]

Abusing in this manner the benevolent sentiments entertained toward Mexico by the other American republics and their anxiety to see order restored throughout Mexico, Carranza invites their diplomatic representatives to journey to the frontier to meet him to discuss matters of an international nature affecting Mexico and other nations with no other object in reality than to create an impression at home and abroad that his government is a constituted government possessing genuine prestige. His conduct departs from established rules because on every occasion of a faction claiming to be a de facto government having appealed to any nations for recognition, it has sent to the latter an accredited representative as confidential agent or has availed itself of some other intermediaty [sic] to make suitable representations. But never has a faction had the presumption to suggest that the government from whom recognition was sought should itself, or by means of delegates, attend and confer with the faction seeking recognition. The proceeding of Carranza seems, therefore, most extraordinary, and I much doubt that the learned diplomats whom he has addressed will submit to a proposal reversing all rules of procedure, inasmuch as a conference of the character proposed would possess no other object than the recognition of Carranza; indeed, a reference to any other question would be regarded only as premature.

Will the Government of the United States and those of Brazil, Chile, Argentina, Bolivia, Uruguay and Guatemala consent to send representatives to an unrecognized faction claiming the attributes of government, whose existence is not based on the slightest semblance of legality and which has no assurances of support by the force of public opinion or by unchallenged military preponderance? I believe not.

M. DIAZ LOMBARDO.

SEPT. 16TH, 1915.

NOTE.—At the meeting of the Conference on September 18 (see next paper) the Conferees had before them, besides Carranza's reply of September 10, and the earlier ones of Villa, Zapata, Llorente, Pacheco, Palafox, Baz and Borrego, and the statement by the Government of Oaxaca (see ante), responses from the following:

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[44] Omission due to mutilation.

CARRANCISTAS.

(All of whom refer the matter wholly to Carranza.)

	File number.
Generals:	
Aguilar, Cándido; commanding in Vera Cruz	812.00/15921
Caballero, Luis; commanding in Tamaulipas	15925
Calles, P. Elias; commanding in Sonora	15782
Dieguez, M. M.; commanding in the West	16341
Espinosa, Francisco A., Jefe de armas of Tampico	15925
Garza, Reynaldo	15974
Lárraga, Manuel C.; commanding in Chapulhuacanate	16421
Muñóz, Mateo; commanding in San Blas	16424
Nafarrate, E. P.; commanding in Tamaulipas	15966
Obregón, Alvaro, Commander in chief in the North	15846
Ricaut, O.; commanding at Nuevo Laredo	15820
Treviño, Jacinto B., Commanding in the Northeast	15863
Governors of States:	
Berlanga, M. Aguirre, Guadalajara	16341
De la Garza, Gen. Pablo A., Nuevo Leon	15899
Diaz, Simon, Guerrero	16472
Figueroa, R., Zacatecas	15861
Gavira, G., San Luis Potosí	16108
Rodriguez Gutierrez, Manuel, Sinaloa	16045
Siurob, Col. José, Guanajuato	15998
Triana, Martín, Aguascalientes	15865
Mayors:	
Lopez, Alejandro, Matamoros	15966
Zepeda, Felipe, Nuevo Laredo	15870

CONVENTIONISTS.

(Who refer the matter to Villa except as otherwise indicated.)

Members of Villa's Cabinet and subordinates:	
Bordes Mangel, Gen. F.; Chief Clerk Interior Department	15990
Castelazo, J. B.; Subsecretary of Justice	15914
De la Garza Cárdenas, Dr. Luis; Secretary of Interior	15916
Diaz Lombardo, Miguel; Minister for Foreign Affairs	15932
Escudero, Francisco; Secretary of the Treasury	15880
Ibáñez, Enrique M.; Subsecretary of Fomento	15914
Perez Rivera, Antonio; Subsecretary of Foreign Relations	15915
Tejeda, Rafael; Subsecretary of the Treasury	15918
Terrazas, Silvestre; Secretary of State	15914
* Ex-President Roque Gonzalez Garza	15914
Generals:	
Acosta, Julio; Chief of arms in Guerrero	16388
Almeida, Carlos; commanding at Durango	16062
* Angeles, Felipe; commanding in the North	15855
* Castillo Corzo, ——; commanding at Chiapas	16226
Chao, Manuel; commanding in Parral district	16062
* Cruz Dominguez, ——; commanding in Torreon	16177
Delgado, José	16388
Fierro, Rodolfo	16126
Gonzalez, J. Herón	———
* Hernandez, Rosalio C.; Chief of operations in Coahuila	15896
Limon, Roberto; Jefe de armas at Chihuahua	15891
Luna, Gilberto	———
Ochoa, Manuel; commanding at Casas Grandes	15895
* Ornelas, Porfirio; commanding at Ojinaga	15886
Ornelas, Tomás; commanding at Ciudad Juarez	15862
* Rodriguez, José R.	15917
Santibáñez, Arturo; 2d Chief in the Southwest	15914
Silva, J. A. de O. Marario; commanding at Piedras Negras	15874
* Villegas, Albino	15890

* Accepts as Conventionist, without referring the matter to Villa.

	File number.
Other military officers:	
Angeles, Col. J. A., confiscation officer	15990
Blanco, O. P., contralmirante	15914
* De las Muñecas, J., military inspector	16335
Mendoza, Crescencio, Jefe de armas at Villa Ahumada	15895
Ortega, Antonio, comodoro	15914
* Terrazas, Col. Joaquin	15843
Torres, Ignacio, comodoro	15914
Governors of States:	
Avila, Fidel, Chihuahua	15914
* Cantú, Esteban, Col., Baja California	15825
Diaz, Gen. Benito, Aguascalientes (ex-Governor)	16126
* Maytorena, Gen. José M., Sonora	15847
* Pereyra, Orestes, Coahuila	15859
* Riveros, F., Sinaloa (ex-Governor)	15894
Mayors:	
Faudoa, J. N., Ciudad Jimenez	15990
* Mendiola, Col. Jesús S., Piedras Negras	15845
Millan, L. O., Guerrero	15970
Montfort, ——, Ciudad Juarez	15921
Ornelas, Col. R., Chihuahua	15893
Sanmiguel, R., Casas Grandes	16062

File No. 812.00/24281.

Conference on Mexican Affairs, September 18, 1915.

[Stenographic report.]

Secretary Lansing. Gentlemen, we have received replies, as you know, from the different chieftains in Mexico. They develop the fact that there are really two factions: one that we may term the Carrancista faction and the other the Conventionist faction, more commonly known as the Villista faction, in which I would include the Zapatistas because they all practically hold the same views in regard to government in Mexico. All the Conventionists have practically accepted the invitation which we sent them. Mr. Carranza's reply has been handed you today, in the original Spanish. Now, Mr. Carranza's answer is a refusal to enter into a Mexican conference, but it indicates a willingness to meet with this Conference in regard to international affairs. I assume that that can only mean the question of recognition at the present time; that is purely an international question based on facts of which we are more or less the judges. I thought we might as well consider Mr. Carranza's answer to us to show that he does not reject the principle of a conference of some sort but does not wish to have a conference with the other Mexican factions. That presents a situation contemplated by the committee who drafted the first and second steps at the last conference, and Mr. Naón has very kindly taken up the matter from the point of view of the committee and I think he has a resolution prepared to meet the present situation.

Ambassador Naón. In case they do not accept our invitation we have decided to follow the policy of recognizing any provisional revolutionary government possible to guarantee the security of life and property both of nationals and foreigners. Now, a great number of answers do not agree to the idea of a conference for the constitution of a government—for the agreement of all the factions.

* Accepts as Conventionist, without referring the matter to Villa.

Then the first possibility that we have supposed is put aside and made impossible because of a lack of agreement on the part of a great number of those persons to whom the invitation was addressed. Then it seems to me that, logically, we have reached the second position we have supposed, that is to say, the recognition of any provisional government possessing the moral strength to guarantee the life and property of both nationals and foreigners. When we sent the telegram we had to know exactly what we would do after the answers had come, and with that in view I have prepared a resolution meeting that situation.

Minister Calderón. Our appeal to the governors of the States was, in my mind, with the object of having the people of Mexico take part in this affair, because I supposed the Governors more or less represented the views of all the people they represent. It appears that the people of Mexico have not taken any notice, and the action seems to have been taken by the men in arms. Therefore the two different principles: First, to consider the answers of one faction sufficient and tell them to arrange a new provisional government else we will discredit them; second, to consider the answer of the other chiefs or factions who, without accepting our appeal, come with the suggestion of a conference in regard to international questions. I am inclined to accept [the latter]; to tell him [Carranza] we are willing, and, not interfering with the international [internal?] affairs of Mexico, are willing for them also to send their representatives to this Conference. But we will reserve to ourselves the right to determine which of the two factions has really met the condition we have put in our resolution—possession of enough power to maintain the freedom and security of the citizens, foreign and national. Each will contend it has the power. It is for us to discover which has really the greater strength and hope of imposing itself on the whole country. We could not leave the country without government; the government must be established, and these meetings have been called with the object of telling which government we could recognize. I am perfectly agreeable to Carranza's idea, because our object is simply to discuss international questions. We could say: "As you represent but one faction, you could not discuss with yourself; come and tell us what your ideas are in relation to the international conditions, and we reserve to ourselves the full right to recognize whatever faction we consider proper and who will give these guaranties for the life and property of foreigners and nationals."

Secretary Lansing. Mr. Minister, I should say that practically all the chieftains and governors within the territory which has been occupied by Zapata or Villa, or under their influence, have sent us a separate answer of acceptance. All the generals and governors in the territory which has been occupied by the Carrancistas have referred us to Carranza for an answer; so that Mr. Carranza's answer represents the united opinion of the chieftains, civil as well as military, within the districts which he occupies. There is probably only one case of a governor who may be said to be independent, and that is the Governor of Oaxaca, who has accepted the invitation. He is the only one. I do not think that on account of one man we can change the policy.

AMBASSADOR DA GAMA. I think you could. It would be for the principle. For when we set aside one of the factions, as we did when we did not send an invitation to the exiled people, we intervened in defining what was the representation of Mexico.

SECRETARY LANSING. I doubt very much whether we should have sent a communication to the Governor of Oaxaca, because he did not belong to the revolution. One of our policies was that the revolution was triumphant. The government must arise from the revolution.

AMBASSADOR DA GAMA. What is a triumphant revolution that does not impose itself?

SECRETARY LANSING. It imposes itself, unfortunately, in sections and not as a unit.

AMBASSADOR DA GAMA. So that it does not impose itself.

SECRETARY LANSING. Yes, I think it does everywhere. It is a question of fact as to whether they are in power. If they are in power then we can only consider them for recognition.

AMBASSADOR DA GAMA. Discussing the thing logically, by recognizing the triumph of the revolution we still intervene.

SECRETARY LANSING. I cannot agree with you there, for the reason that whenever there is a civil war in a country you must select from either one part or the other which one is the agent of the sovereignty. We have to determine that. To that extent we intervene in the domestic affairs of the country. We are bound to do that; otherwise we could not recognize any government. The question is, Which is the dominant power? We do not know; we have not the facts before us; let each side present its facts to us; let them present to us separately the facts on which they base their claim to represent the sovereignty of Mexico.

AMBASSADOR DA GAMA. Why not meet themselves?

SECRETARY LANSING. They decline to meet.

AMBASSADOR NAÓN. At present the question is whether or not we will recognize a de facto government. We have absolute freedom to select any means to establish in our own judgment who is the government to be recognized. Then from my standpoint, I say: It seems to me that the information that the representative of Carranza will bring to me will enable me to form a judgment in some particular; the information that the representative of Villa will bring—any information we can get, from any source—will allow me to say to my Government, "In my opinion, you should recognize So-and-so." That does not mean that my Government will accept my recommendation. They will be the final judges of the capacity of the government to fulfill the guaranties of life of nationals and foreigners; they will be the judges also of the proper moment to recognize the government. But we have to give advice and information to our Governments.

AMBASSADOR DA GAMA. By that time, by receiving the representatives of the factions in arms that will come to plead their rights to be recognized, we shall have been intervening in Mexico. We are here as counselors or as advisors to the Government of the United States, because that was the invitation, not to decide or take any action; and it was understood there would be no joint action. But

if we discuss here who would be recognized in Mexico, that would be an action.

Minister Calderón. The point is very clear. The factions have not come together. Consequently we have been left in the position to select between the two factions that appear to remain and have control of Mexico—the Villa and Carranza factions. What right have we now to decide which of the two is the stronger? I do not think we are in a position to do that. We want to know what obligations, what promises toward foreign nations they will make in order to secure a guaranty of the rights and lives of nationals and foreigners.

Ambassador Da Gama. What authority have we to decide?

Secretary Lansing. Gentlemen, I think we are working at cross purposes. My idea is that we should have a separate conference with the two factions, as Mr. Naón proposes, in order that we may listen to their respective statements as to the facts which show stability of government and the purposes of the factions, in case they should obtain recognition. It is not for us, after we have heard that, to determine who should be recognized. We have no power to determine who should be recognized. We would meet merely to receive the facts, to discuss them among ourselves for the benefit that we get from an exchange of ideas; and each one would then report independently to his Government. One might report for Villa, another might report for Carranza. It is not joint or positive action by our Governments.

Ambassador Da Gama. We are here consulting, for the opinion of the world, by discussing or by hearing or by compelling, as judges, as to whom should be recognized in Mexico. But as a body we should not do that.

Secretary Lansing. We have no power as a body.

Ambassador Naón. We are consulting. When I speak, I speak for myself. I want to have as much information as possible in order to advise my Government what it should decide. I suppose my opinion should be as authoritative as possible in order that it may be accepted.

Ambassador Da Gama. I am making objection to the proposition in this, that we appear here as a body, and as a body we cannot act in relation to the recognition of a government in Mexico.

Secretary Lansing. We cannot, as a body; that is perfectly true.

Ambassador Suárez. I would like to say that I think I will need to consult my Government about the main part of the proposition, for we know we have nothing to expect from an agreement between these two factions. The appeal having failed, we have nothing to do but recognize one of these factions or not recognize anyone. The Carranza faction, which is doubtless the strongest one, in my opinion, does not give sufficient guaranties—the guaranties we asked for in our first resolution. That being so, I do not see what we can do, and my opinion is that the matter is not to be decided yet, not so quickly. About the first part of this resolution, I do not think it would be necessary to repeat the proposition adopted by us at the last session, and therefore I would consider sufficient the first para-

graph of the proposition of the Argentine Ambassador, which is this one:

In view of the answers to the telegraphic appeal, the conferees believe that the time has arrived to carry out the policy which they agreed to recommend to their Governments in the event, etc.

AMBASSADOR NAÓN. It seems to me the question is, whether we should invite these chiefs or not.

AMBASSADOR SUÁREZ. Therefore I say this first part is not a necessity. About the second part of the resolution, I frankly have to say I would not accept it, personally. I do not think we are engaged to invite anybody to come here. I am giving my first impressions as I feel them: that I do not feel able to give a definite opinion about the proposition now.

SECRETARY LANSING. I will say this, gentlemen. The situation in Mexico is becoming intolerable. We are agreed that it is time to recognize a government in Mexico. If this Conference cannot ask them to present their cases, the United States will have to do it alone. We don't want to; we want your advice and the benefit of your opinions. As soon as the government is recognized, it is possible that the United States may place an embargo on arms and ammunition to all factions except the one recognized.

AMBASSADOR DA GAMA. You have a perfect right to do that because you are the interested party. Your interests are stronger than ours, which are purely [omission]. You may do that and be charged with the responsibility of any fault or any good step that you may take. That is your affair. But for us to take that responsibility, our people, our countries would not agree to it.

SECRETARY LANSING. You are not required to do it.

AMBASSADOR DA GAMA. You could have recognized Carbajal; you could have recognized Gutierrez, Carranza, or anybody. You did not do it; then you can recognize anybody you want to. But why draw us into that recognition?

SECRETARY LANSING. We did it for the reason, as I explained at our first conference, that we thought you understood the character of the people better than we did, and we did sincerely wish your advice; and, if possible, we sought to obtain identical, though independent, action.

AMBASSADOR NAÓN. My opinion has been perfectly clear from the beginning. I understood that we came here to consult. It seems to me that we have [consulted] with the exception of the action we took in sending the telegram to the military and political chiefs. At that moment we took action—a liberty we had not the authority for. Afterwards, consulting, we arrived at an opinion that has been a common opinion. We have examined what possibilities or what different situations will be applied after the answer to that action came to us; and we decided that in the first place, that is, in case every one of the persons whom we addressed accepted the offer and the organization of a government, we would recognize that government without any other analysis. In the second place, if they did not accept the idea of a conference, we decided to advise our Governments to recognize any de facto government with such and such conditions. The only new thing I propose is the action of inviting these people to come to us in the same way we have invited

them to come together, in order to find a solution of the difficulties. It seems to me it is absolutely the same: at that time we invited them; at this time we invite them. At that time we said to them, "We are doing this and this"; at this time we say, "As international officers we would like to hear what information you have in regard to the possibility of an international recognition of your government."

AMBASSADOR SUÁREZ. In that case we invited them to unite, and in this case we invite them to come here and discuss with us.

AMBASSADOR NAÓN. That is exactly what we want. We invite them to give us information in order to allow us to perform our duty as an international power. We must recognize a government and ask them to come and help us form our opinion. This is an action more or less of the same character that we took when we sent them the telegram. If the members of the Conference would not like to take that action without the authorization of their Governments, they can object; but they cannot object to establishing the fact that we decided so and so at our first conference.

SECRETARY LANSING. It seems to me, gentlemen, that when we sent that communication asking them to come into conference together, we interfered more with their internal affairs than when we ask their representatives to meet us and present their cases.

MINISTER DE PENA. I agree with the opinion of Ambassador Naón, because we have already addressed an invitation in a special document, drafted by the Chilean Ambassador, to the chiefs of the factions. We are to analyze the real conditions in Mexico, and the best information we can receive is coming from the representatives of those chiefs.

MINISTER CALDERÓN. We have made an agreement that if the factions in Mexico did not come together and name a provisional president, we would immediately proceed to recognize a faction. Now we invite them to tell us what are the elements they have for bringing about a government in Mexico. You [Ambassador Da Gama] object to that. But if we are going to recognize a government in Mexico we have a perfect right to know what kind of government to recognize, and that is why it is very proper to say, "Come and tell us." If you object to calling this last body, how will we decide which of the factions to recognize?

AMBASSADOR DA GAMA. That is a different question.

SECRETARY LANSING. How would you obtain the facts as to what government should be recognized as having de facto power? What would be your suggestions?

[At this point there was general conversation and I was unable to get the Ambassador's response.—Stenographer's note.]

SECRETARY LANSING. Mr. Ambassador, would you object if I should invite those two factions, and after having heard them lay their statements before the Conference?

AMBASSADOR DA GAMA. But by conferring with them with a view to recognition you are—

[The rest was lost owing to general conversation.]

SECRETARY LANSING. If the facts did not warrant it we would not recognize any faction.

AMBASSADOR DA GAMA. You to present us the facts leading to recognition. And of course you may [omission] correctly. But that will not be an international conference.

SECRETARY LANSING. I feel that so much depends upon the personal touch you get in a conference with representatives of that kind.

AMBASSADOR DA GAMA. I prefer you to confer and see what you find and after that we will recognize as a matter of fact.

SECRETARY LANSING. I have one regret in taking that step, and that is that it strikes a blow at Panamericanism.

AMBASSADOR NAÓN.

[Here, owing to general conversation, I was unable to take the Ambassador's remarks, but they pertained to Panamericanism.—Stenographer's note.]

AMBASSADOR NAÓN. In another draft I have put it in this way. [Reads from draft.] I emphasize that we have been taking free and independent action.

SECRETARY LANSING. Instead of having seven independent conferences with these factions we should have one conference and all hear them together.

MINISTER CALDERÓN. What would the Ambassador say to the position that we will agree to recognize any government the United States would recognize?

SECRETARY LANSING. My whole theory of Panamericanism is independent action. There is one thing I like about this attitude of the Brazilian Ambassador; it impresses me very strongly. And that is the independent action of each Government. That I believe in. That is the only substantial foundation of Panamericanism in a case of this sort. A friendly conference and, if possible, identical though independent action will give strength to the movement.

AMBASSADOR NAÓN. We are consulting in order to inform our Governments that we have agreed to so and so.

AMBASSADOR SUÁREZ. I think this would be a formula to which I myself could agree:

In view of the answers to the telegraphic appeal sent to the political and military chiefs of the factions struggling in Mexico on the 11th of August last, the representatives who signed that appeal believe that the time has arrived to carry out the conclusions agreed upon in their last meeting in order to recommend to their respective Governments the recognition as soon as possible of a government in Mexico that shall have sprung from independent and exclusive action of the Mexicans and possessing the material and moral capacity to protect the lives and property of nationals and foreigners.

and then say the conference would be glad to receive individually and separately from the several factions in Mexico any statements they may desire to make for the solution of the matter.

AMBASSADOR DA GAMA. I would still prefer that the Secretary of State hear them. I would not accept even that because many people would come [omission] you would change the Mexican Conference into an international conference.

AMBASSADOR SUÁREZ. If they came voluntarily . . .

AMBASSADOR DA GAMA. They would come because we opened the door for them to come.

AMBASSADOR SUÁREZ. What objection do you see to a man coming from Mexico, sent by Carranza, Mr. Ambassador? These are the facts we have disclosed to you.

AMBASSADOR DA GAMA. I am going to tell you my position. If there is any conference with the revolutionists and representatives of sovereign nations, here in the United States or somewhere else, I * * *

[General conversation precluded getting the finish of the Ambassador's remarks.]

SECRETARY LANSING.

[Something about the successful revolution, but there was too much general discussion.]

AMBASSADOR DA GAMA. Let them show you first, because they need your support; then recognize them if you deem proper, and then we follow.

SECRETARY LANSING. Your advice before recognition is what we want.

[General Spanish discussion.]

AMBASSADOR NAÓN. Now, I want to be absolutely clear. I don't want to inform my Government about anything more than what has been decided here. I can inform my Government that the resolution has been substantially this: [reads Señor Suárez's resolution, given above.] And at the same time we ask our Governments for instructions as to the advisability of inviting these people to give us as much information as possible, in order that the Governments can act when they deem proper.

[General discussion, mostly in Spanish.]

SECRETARY LANSING. Of course the question of stability, which is the essential element a government must have to obtain recognition, is a matter of which we ought to hear from the different factions. We hear them independently, only we sit together; and then we can discuss the conditions and see if we can reach identical opinions. The essential thing is to get the evidence. It may perhaps open the door to substantial agreement between the factions. The main thing is that we hear both factions so that neither can complain that it has not had opportunity to lay its case before us.

AMBASSADOR NAÓN. (Reads Señor Suárez's resolution for the purpose of getting it into the record.)

SECRETARY LANSING. Then what are we going to do?

AMBASSADOR NAÓN. We have to ask our Governments for an immediate answer whether we are authorized to invite the chiefs of the factions now strongest in Mexico in order to hear a statement that they may desire to make to our respective Governments in regard to the real situation as to the possibility of recognition. We will ask our Governments for an authorization of what they consider proper to invite these people to talk with us on—the question of the strength of the guaranties in order to establish whether any one of them can protect the lives and property of nationals and foreigners.

SECRETARY LANSING. The idea is to have a discussion in order that it may be determined what the facts are in regard to the situation, so that our Governments may act with full knowledge in dealing with the situation and the recognition of a de facto government.

AMBASSADOR DA GAMA. If I may be permitted a question, in case one or two of the Governments refuse the authorization to their representatives to tender that invitation, what would happen?

AMBASSADOR NAÓN. I think the Governments that want to hear them can do so, and afterwards . . .

[General Spanish discussion.]

AMBASSADOR NAÓN. We can do it in this way: ask an authorization from our Governments to look for any information we can get from the factions or from any other source, personally or in conjunction with the other members of the Conference, and report about the government that ought to be recognized.

SECRETARY LANSING. Of course there is another solution, which I dislike very much. It is this: I could offer the invitation and then if they do accept the invitation and send delegates, those members of the Conference who wish to attend could do so.

AMBASSADOR DA GAMA. It would be the same bad situation. Then I might tell my Government that I did not find it in my power to confer with the representatives of Carranza, Villa and Zapata, and that the Government of the United States and those of Chile, Argentina, Bolivia, Uruguay and Guatemala think they should; and that I, being in a situation of embarrassment, ask leave of absence.

[General discussion, mostly in Spanish.]

SECRETARY LANSING. I think I should be disposed, in case that was done, to communicate with the different factions myself.

[Spanish discussion.]

SECRETARY LANSING. I should like sufficient time to communicate and hear the representatives from the factions. I should think it would take about three weeks.

Conference adjourned.

File No. 812.00/24282a.

The Secretary of State to the Ambassador of Chile.[45]

DEPARTMENT OF STATE,
Washington, October 5, 1915.

MY DEAR MR. AMBASSADOR.: I have arranged for a meeting of the Conference on the Mexican situation to be held at my office on Saturday next, October 9, at two-thirty in the afternoon.

If you can not arrange to be present, please be good enough to let me know in advance.

I am [etc.]

ROBERT LANSING.

File No. 812.00/16396.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Telegram.]

MEXICO CITY, *October 5, 1915—4 p. m.*

115. I am requested by American Society of Mexico to transmit following to you:

American residents are deeply concerned to receive information of status various matters in which this society has appealed to the Department of State especially mail service, currency and mining tax decrees and the request for emergency food supplies most of all. Mail since April not arrived. Authorities

[45] The same to the other conferees.

claim not received from the United States. Outgoing sealed letters are opened and read and some not forwarded. Press despatches and all cablegrams personal or commercial are suppressed if they criticize existing conditions. Since use of legation pouch has been discouraged we have not assured means of communication with families, friends or business connections in the United States or Europe.

Currency conditions grow more impossible. Carrancistas have nullified not only all currency of factions but also much of their own. This still continues. They force public accept their currency but refuse receive it themselves for important taxes. They issue decrees declaring invalid public and private business done under various previous régimes. Very limited food supplies have been brought to city but suffering among poor increase because of inability purchase. Deaths from starvation continue. Fuel famine is acute. No freight can be moved without graft and scarcely any even with that. Federal currency has disappeared and all substitutes are strictly forbidden thus increasing sufferings of poor. This and many other outrageous conditions and arbitrary abuses of armed power occasion present suffering and loss and hold grave menace for future. Soto y Gama while Convention controlled here threatened foreigners with death for protesting to their government. General Gonzalez said privately will punish us when their government is established. They insist daily through all newspapers that the United States will soon recognize them. Local press is not permitted publish real situation. Foreigners and native public enraged over present systematic campaign by Carrancistas of misrepresentation in United States and are most apprehensive regarding its misleading effect on the friendly nations striving to aid Mexico.

AMERICAN SOCIETY OF MEXICO.
PARKER.

File No. 812.00/16593.

The Ambassador of Chile to the Secretary of State.[46]

[Translation.]

EMBASSY OF CHILE,
Washington, October 6, 1915.

MY DEAR MR. SECRETARY: I have not the least objection to attending the meeting to which your excellency invites me in your letter of yesterday, for the purpose of discussing the affairs of Mexico, on Saturday the 9th of October at 2.30 p. m.

Cordially yours,

ED'O SUÁREZ MUJICA.

File No. 812.00/16543.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State.

WASHINGTON, *October 7, 1915.*

MR. SECRETARY: In consideration of the agreement between your excellency and the other American representatives during the last conference held in New York, on the 18th ultimo, I have the honor to transmit herewith for your excellency's information a brief résumé of the Mexican Revolution, initiated by Mr. Venustiano Carranza in February, 1913, explaining its origin, development and progress made to this day; and a copy of declarations made by Mr. Carranza, as the Leader of the Revolution and Depository of the Executive Power of Mexico, which define the tendencies and program to be followed by the Constitutionalist Government during its transitory

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[46] Similar acceptances from the other conferees.

period, indispensable for the holding of general elections in the Republic, wherefrom a definite constitutional government will emanate.

Mr. Venustiano Carranza, Depository of the Executive Power of Mexico, whom I have the honor to represent in this country, has authorized me to say to your excellency that his public declarations of December 12, 1914, and June 11, 1915, bear the statement that the government he represents, in its capacity of a political entity conscious of its international obligations and of its capability to comply with them, has afforded guaranties to the nationals, and has done likewise with regard to foreigners and shall continue to see that their lives and property are respected in accordance with the practices established by civilized nations and the treaties in force between Mexico and other countries.

That, beside the above, he will recognize and satisfy indemnities for damages caused by the revolution, which shall be settled in due time and in terms of justice.

I avail [etc.] E. ARREDONDO.

[Inclosure 1—Extract.]

RÉSUMÉ OF THE MEXICAN CONSTITUTIONALIST REVOLUTION AND ITS PROGRESS.

The civil strife in Mexico now nearing its end, which grew out of the arrest and subsequent death of Francisco I. Madero and José Maria Pino Suarez, President and Vice President respectively of the Republic of Mexico, and was a consequence of the usurpation of power by General Victoriano Huerta, had its beginning on the 19th of February, 1913. On this date Mr. Venustiano Carranza, upon being apprised of the above-mentioned outrageous assault and of the infringement of the Federal Constitution, and acting in his capacity of Governor of the State of Coahuila * * * repudiated the aforesaid General Huerta as President of Mexico and initiated that which has been named "The Revolution of the Constitutionalist Party".

Mr. Venustiano Carranza, obeying the provision of the Federal Constitution which his oath of office involved as Governor of the State of Coahuila, raised the flag of legality against the usurpation of federal power, at the same time calling all public officers in the country to do their duty and inviting all commanders of troops to repudiate and oppose General Huerta as President of the Republic; but in view of the fact that none of the secretaries in the cabinet of Mr. Madero, who by operation of law and according to their precedence were expected to punish the outrages committed against the Constitution, responded to the call to duty, Mr. Carranza was constrained to assume the leadership of the restorating movement because it was his duty to do so as Governor of the State of Coahuila and pursuant to the unanimous vote of the citizens who at that moment had rallied around him to defend the political Constitution of the United Mexican States.

Mr. Carranza is, therefore, in the light of the Federal Constitution of Mexico, the rightful successor of Francisco I. Madero in the exercise of the Executive Power, to the exclusion of any other public officer, because he is the only one who complied with his duty according to the fundamental charter of the Republic.

The nomination of Mr. Carranza as chief of the revolution took place in the Hacienda de Guadalupe, State of Coahuila, where the well-known "Plan of Guadalupe" was framed and enacted on March 26, 1913,[47] which was the rule of action to be observed and followed by the army which was then being organized with the sole object of opposing and overthrowing the power of General Victoriano Huerta and which was wisely named at that time "Constitutionalist Army".

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[47] For. Rel. 1914, p. 589.

After a revolution of a year and a half * * * Mr. Carranza made his triumphant entry into the City of Mexico at the head of the restorating army on August 19, 1914, taking immediate possession of the executive authority of the Republic of Mexico, in accordance with the Plan of Guadalupe dated March 26, 1913.

[Description of the organization of the Constitutionalist Government; the defection of Villa; the convocation by Carranza of a convention at Mexico City to make a provisional program of government; lack of representation therein of Villa's Northern Division of the Constitutionalist Army; Carranza's resignation and reinstatement by the Mexico City Convention; conference between certain Carrancista generals and Villa and his generals; consequent transfer of the Convention from Mexico City to Aguascalientes and the adoption there of the name "Sovereign Revolutionary Convention"; election by this convention of General Eulalio Gutierrez as Provisional President of Mexico; defection of Villa from Gutierrez; return of certain ex-Carrancista generals to their former allegiance; Villa-Zapata coalition.]

From the above it appears that the Constitutionalist Party headed by Mr. Carranza initiated the revolution against Huerta in February, 1913, and organized and equipped successively in various States of the Republic an army of volunteers which fought the usurpation of Huerta and finally threw him out of power, and has also fought and completely defeated the factions of Villa and Zapata, who had revolted against the authority of the First Chief.

At the present time Mr. Carranza controls twenty-four States of the twenty-seven which make up the Republic, and the Territories of Tepic and Quintana Roo and the Federal District, and has established in each of them a local government. [Names of governors.]

All of the above leaders of the Constitutionalist Army and Governors recognize the First Chieftainship of Mr. Carranza and his authority as the Depository of the Executive Power of the Nation, as they have recently stated when replying to the note addressed to them by the Secretary of State of the United States and the American Diplomatic Representatives, tendering their good offices as mediators, and inviting them to a conference for the purpose of solving in this manner the struggle in Mexico.

From the above-mentioned reply it is seen that, differing from the leaders of the Villa and Zapata factions, who made individual replies to the aforesaid note according to their own judgment, all the Constitutionalist leaders referred their replies to Mr. Carranza, thus recognizing his character of chief of all of them and reiterating their allegiance to him. This example of the cohesion and discipline of the Constitutionalist Party clearly manifests that it is not only a compact and organized group but a real government from the point of view of international law, able to demonstrate its ability to constitue itself and to gain the will and respect of the Mexican people.

[Further description of the status of this government.]

E. ARREDONDO.

WASHINGTON, *October 7, 1915.*

[Inclosures 2 and 3.]

[These inclosures are copies of the Plan de Guadalupe of March 26, 1913, and the Manifesto to the People issued by General Carranza on December 12, 1914, outlining the Constitutionalist policy under the Plan of Guadalupe. These two documents are printed in For. Rel. 1914, pp. 589 and 629.

[Inclosure 4.]

[Printed ante, as inclosure to Mr. Arredondo's letter to the Secretary of State dated June 12, 1915.]

File No. 812.00/20690.

The Confidential Agent of the Provisional Government of Mexico to the Secretary of State.

WASHINGTON, *October 8, 1915.*

EXCELLENCY: I have the honor to transmit herewith a memorandum which the delegates appointed in response to the invitation of

your excellency by the military chief of the forces under the command of General Francisco Villa, address to your excellency and the Ambassadors of Brazil, Chile and Argentina, and the Ministers of Bolivia, Uruguay and Guatemala, with reference to the present military and political situation in the Republic of Mexico, which memorandum we venture to hope will be considered by the Pan-American conferees in the meeting which will, as announced, take place tomorrow.

I have [etc.]

ENRIQUE C. LLORENTE.

[Inclosure—Synopsis of the Memorandum.]

This memorandum, dated October 8, 1915, is signed by Miguel Diaz Lombardo, General Felipe Angeles, General Roque Gonzalez Garza and Enrique C. Llorente, Conventionist delegates.

The delegates state that they in no way compromise the dignity of their country by their action, nor do they submit to Pan-American nations any essential attributes of their national sovereignty.

President Wilson's note to the Mexican people threatened intervention, and Villa and Garza, Conventionist leaders, proposed peace conferences to Carranza. A delegation was also sent to General Gonzalez by Garza from Mexico City proposing an armistice, etc. Both offers were rejected. Llorente in Washington endeavored to talk peace with Carranza Agent Arredondo, but was rejected.

Carranza's rejections, without doubt, prompted the holding of the first Pan-American Conference, on August 14, with its offer of aid and mediation. Conventionists were gratified, acquiesced in plan, and appointed delegates who sign this memorandum.

The delegates were surprised by the declaration of Conference, on September 18, that if it should be impossible to recognize a Government from the agreement of all factions, then the de facto Government seeking recognition must have material and moral capacity to protect lives and properties of nationals and foreigners. This changed plans to end revolution peaceably. As result of note of August 14, military operations were practically suspended, as was an attack on Monterey. The ends expected from policy in note of September 18 will be very different from what it is expected to attain.

It was practically impossible for one faction to establish within three weeks a positive military supremacy over the other. Any superiority was necessarily transitory. The Conventionists could have advanced their whole army on capital or toward Saltillo and Monterey, or sent out a number of flying columns, and thus sown discord; but there is difference between such movements and permanent superiority.

The Conventionists are in position to dominate the situation around Mexico City and prevent entrance of Carranza forces to establish a government. Numerous detachments of Conventionists in central States; Durango, Sinaloa and Sonora partially controlled by them. Great dissatisfaction against Carranza in Isthmus of Tehuantepec, Tabasco, Campeche and Chiapas. Upon ejection of Huerta, Carranza was asked by Villa and Obregon to assume provisional presidency and establish government. He refused to accept the title and called a meeting of generals appointed by himself. The convention assembled in Aguascalientes and saw fit to remove Carranza from position as First Chief and to recognize sovereignty of convention. Villa was disposed to eliminate himself if Carranza withdrew, and is still willing. He had withdrawn from active service but took the field again, as his services were indispensable to Convention. Sovereignty of Convention had been recognized by Carranza when he submitted his resignation to it as First Chief.

Carranza cannot demonstrate that he controls as much territory as General Diaz did in 1877 and 1878, when recognition was held up for nearly eighteen months after Diaz had proclaimed himself Provisional President. How can a military force occupying but a portion of the Republic, headed by a First Chief without a government, be accorded recognition as a de facto Government?

The delegates stand ready to furnish additional data if desired.

File No. 812.00/16509b.

The Secretary of State to the principal American Missions in Europe.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 11, 1915.

The Secretary of State, Ambassadors of Argentina, Brazil, Chile, and Ministers from Bolivia, Uruguay and Guatemala, met in conference Saturday last [October 9]. The result of the conference was given to the press in the following statement:

The Conferees, after careful consideration of the facts, have found that the Carrancista party is the only party possessing the essentials for recognition as the de facto government of Mexico, and they have so reported to their respective Governments.

LANSING.

File No. 812.00/16619, 16476.

Vice Consul Bevan to the Secretary of State.

AMERICAN CONSULATE,
Tampico, October 12, 1915.

SIR: I have the honor to report that the peace negotiations between General Carranza and General Manuel Pelaez were a complete failure, and as a result, General Pelaez remains in entire control of the oil fields of the Tuxpam district. His forces have been demanding general loans and collecting taxes from petroleum companies. He controls completely the camps of the Compañia Mexicana de Petroleo "El Águila" S. A., the Huasteca Petroleum Company, and the Penn-Mex Fuel Company, the three largest oil producing companies in Mexico, and has between seven and eight hundred men, fairly well armed, under his command. The Carrancista forces control the city of Tuxpam but none of the surrounding oil fields. If General Carranza would send a force of about a thousand men into the Tuxpam district they would be able to get control immediately, as the Villista forces under General Pelaez are poorly disciplined, not good fighters, and are scattered over the entire district in bands of from 50 to 100 men.

I have [etc.]

THOMAS H. BEVAN.

File No. 812.00/16597.

The Minister of Bolivia to the Secretary of State.

LEGATION OF BOLIVIA,
Washington, October 13, 1915.

MY DEAR MR. SECRETARY: I am pleased to advise you that I am authorized by my Government to recognize Carranza, and am ready to act in the matter as soon as will decide [sic].

I remain [etc.]

Y. CALDERÓN.

File No. 812.00/16598.

The Ambassador of Chile to the Secretary of State.

EMBASSY OF CHILE,
Washington, October 14, 1915.

MY DEAR MR. SECRETARY: I have the pleasure to inform your excellency that I am in receipt of the necessary authorization from my Government to reach an understanding with your excellency and the conferees about the time and form for the recognition of a Mexican Government.

I am [etc.]

ED'O SUÁREZ MUJICA.

File No. 812.00/16599.

The Ambassador of Brazil to the Secretary of State.

EMBASSY OF BRAZIL,
Washington, October 15, 1915.

MY DEAR MR. SECRETARY: I beg to confirm my telegram of this morning saying that: "I am authorized to proceed as agreed, and that "if not needed there before, I shall be in Washington next Wednesday afternoon."

The telegram from my Government that I received last night expresses gratification for the solution found in the recognition of Carranza, although "it would be wise for Carranza to begin at once to act in a way adequate to promotion of peace among Mexicans, one of the measures toward that end, besides the others already mentioned in our correspondence, being the adoption of full spiritual freedom, as enjoyed by Brazil and the United States." I will duly transmit to Rio de Janeiro the promises, seemingly reassuring, made by Carranza's agent in that sense.

I am at your disposal any time you need me in Washington. If not needed before, I shall be there next Wednesday and it will give me great pleasure to see you.

I remain [etc.]

D. DA GAMA.

File No. 812.00/16476.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 16, 1915—5 p. m.

Department informed General Pelaez operating with armed bands in the oil district vicinity Tuxpam is demanding loans and collecting taxes from oil companies.

Urge General Carranza take prompt action to put an end to the injurious activities of Pelaez and his lawless bands.

LANSING.

File No. 812.00/16503.

Special Agent Cobb to the Secretary of State.

[Telegram.]

EL PASO, *October 16, 1915—1 p. m.*

The following suggestions resulting from calm consideration are earnestly made:

The best immediate means of turning Juarez to Carranza was lost when Ornelas came to El Paso and abandoned control of the garrison. Villa's forces are disintegrating gradually but not as rapidly as they should.

The chief element of Villa cohesion is his commercial organization at El Paso and Juarez. The profits come from property stolen in Mexico and marketed through El Paso.

Villa can continue to operate after losing any number of officers so long as he is permitted in conjunction with American and Mexican grafters to market his loot here.

The port here should be closed outright, or, as perhaps would be less apt to provoke increased depredations by Villa, practically closed through the regulation of invoice or other means, thereby closing it to everything except baggage and the like, and such legitimate importations as come from original and bona-fide owners.

We must break up the band of commercial thieves operating here, who are now the root of the Villa menace, and who hereafter if not broken up will be conspirators, ammunition smugglers and managers of new revolts. We must force them to respect the power and laws of our Government.

This is a critical time for the border and not only for present results but as well for future effects. Therefore it is earnestly urged simultaneously with the recognition of Carranza that you put actions into effect here that will give the Villa commercial agency and the profit-seeking revolutionary adventurers physical demonstration that their activities will not longer be tolerated. In this connection I hope you may conclude to discontinue representations to Villa, or to any of the Villa chiefs, because of my belief that they do more harm, in the quasi-recognition and resulting encouragement of continued independent activities, than good in affording any actual protection. Furthermore the continuance of representations is in effect an invitation to such people as the smelting company, and any not in sympathy with you, to open up under Villa, which I fear they could be too easily induced to do, and thereby help support continued dissensions.

It is earnestly to be hoped that you may find it consistent to break things off short here, taking the chance of Villa retaliating with possible increased depredations for a while, but in all probability causing his complete collapse and a turn-over all along the line, excepting the comparatively few who are going to be bandits anyhow, to Carranza.

COBB.

93072°—F R 1915——49

File No. 812.00/17556a.

Secretary Crane to the Ambassador of Argentina.[48]

DEPARTMENT OF STATE,
Washington, October 18, 1915.

MY DEAR MR. AMBASSADOR: Confirming my telephone conversation of Saturday, I have the honor to inform you that a meeting of the Conferees on the Mexican situation has been called by the Secretary of State to assemble at the Department this afternoon at three o'clock.

I am [etc.]

RICHARD CRANE.
Private Secretary.

File No. 812.00/16536.

Special Agent Belt to the Secretary of State.

[Telegram.]

TORREON, *October 19, 1915—noon.*

General Carranza does not desire that he be considered President stating that many men have been recipient this title which was merely assumed. Prefers title "in charge of the Executive power of the Republic" the same as has always used; the title First Chief applies more to the interior. He does not know exact form recognition will be extended but expects same to be of de facto Government. States that he is only legal authority remaining from old régime, still retaining Governorship of Coahuila. Responsibility for property and lives of foreigners will be assumed throughout the Republic. Those districts not yet in control will be somewhat difficult for time being. Such guaranties given in proclamation more generally known. During fighting in north will not endeavor to call general elections, first calling municipal elections. After these will come elections for governors of states. The so-called preconstitutional period will last a year more or less. Stated in interview with press today that there was no reason why he should not become a candidate for President. Has never had that character before; only First Chief of Constitutionalist Army in charge of the Executive Power, and Governor of Coahuila. No law prohibiting his being candidate. When asked whether he would be candidate he replied did not know; shortly might be, in event he was called. Trusts that foreigners will not in future intermeddle in politics; this will no doubt prevent much future trouble. Treating of religious question, stated that only Catholics that have meddled in politics have been punished. All religious toleration in Mexico will prevail as in past. He was asked by one member of press if he had choice as to who should be the Ambassador; he replied that the Ambassador should have a thorough knowledge of Mexico and conditions as they are today.

J. W. BELT.

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[48] The same to the other conferees.

File No. 812.00/16518a.

The Secretary of State to Mr. Parker, representing American interests in Mexico.[49]

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 19, 1915.

This Government today recognized the de facto Government of Mexico, of which General Venustiano Carranza is the Chief Executive.

LANSING.

File No. 812.00/16532b.

The Secretary of State to the Confidential Agent of the de facto Government of Mexico.

DEPARTMENT OF STATE,
Washington, October 19, 1915.

MY DEAR MR. ARREDONDO:

It is my pleasure to inform you that the President of the United States takes this opportunity of extending recognition to the de facto Government of Mexico, of which General Venustiano Carranza is the Chief Executive.

The Government of the United States will be pleased to receive formally in Washington a diplomatic representative of the de facto Government as soon as it shall please General Carranza to designate and appoint such representative; and, reciprocally, the Government of the United States will accredit to the de facto Government a diplomatic representative as soon as the President has had opportunity to designate such representative.

I should appreciate it if you could find it possible to communicate this information to General Carranza at your earliest convenience.

Very sincerely yours,

ROBERT LANSING.

File No. 812.00/16614a, 17556b.

The Secretary of State to the Minister of Venezuela.[50]

DEPARTMENT OF STATE,
Washington, October 19, 1915.

MY DEAR MR. MINISTER: The Ambassadors of Brazil, Chile and Argentina, and the Ministers of Bolivia, Uruguay and Guatemala, who have been in conference with me in regard to the recognition of a government in Mexico, will, under instructions from their several Governments, recognize today the de facto Government of Mexico of which General Venustiano Carranza is the Chief Executive.

I am conveying to you this information informally at the instance of all the members of the Conference.

I am [etc.]

ROBERT LANSING.

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[49] The same to all American Embassies and Legations throughout the world, and to all American Consular officers in Mexico except at Chihuahua, Torreon, Durango and Hermosillo.

[50] The same to the Ministers at Washington of Columbia, Costa Rica, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Nicaragua, Panama, Paragray, Peru and Salvador.

File No. 812.00/16614a.

The Secretary of State to the Ambassador of Great Britain.[51]

The Secretary of State presents his compliments to his excellency the Ambassador of Great Britain and has the honor to inform him that the Government of the United States has this day recognized the de facto Government of Mexico, of which General Venustiano Carranza is the Chief Executive.

The American Ambassador at London has been instructed, by cable, to advise the Government of Great Britain of the fact.

DEPARTMENT OF STATE,
Washington, October 19, 1915.

No. 1315.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Joint Resolution of Congress, approved March 14th, 1912, reads and provides as follows:—"That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclamation thereof, it shall be unlawful to export except under such limitations and exceptions as the President shall prescribe any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress":

And whereas, it is provided by Section II of the said Joint Resolution, "That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding ten thousand dollars, or imprisonment not exceeding two years, or both":

Now, therefore, I, WOODROW WILSON, President of the United States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in Mexico such conditions of domestic violence promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to Mexico, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted. And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

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[51] The same mutatis mutandis to all European members of the Diplomatic Corps at Washington, and to the Japanese Ambassador and the Ministers of China and Siam.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this nineteenth day of October in the year of our Lord one thousand nine hundred and fifteen and of the Independence of the United States of America the one hundred and fortieth.

[seal.] Woodrow Wilson

By the President:

Robert Lansing,
Secretary of State.

File No. 812.00/16533.

The Confidential Agent of the de facto Government of Mexico to the Secretary of State.

Washington, *October 19, 1915.*

Mr. Secretary: It affords me great pleasure to acknowledge the receipt of your excellency's note, dated today, apprising me that His Excellency the President of the United States has seen fit to extend recognition to the de facto Government of Mexico, of which Mr. Venustiano Carranza is the Chief Executive, and that your Government will be pleased to receive formally in Washington a diplomatic representative of my Government; and that, reciprocally, the Government of the United States will accredit to the de facto Government of Mexico, a diplomatic representative as soon as His Excellency the President has had an opportunity to designate such representative.

Complying with your excellency's wishes, I have immediately transmitted the contents of your note under acknowledgment to Mr. Venustiano Carranza.

[I avail etc.]

E. Arredondo.

File No. 812.00/16529.

Special Agent Belt to the Secretary of State.

[Telegrams.]

Torreon, *October 19, 1915—10 p. m.*

At exactly 6 p. m. in the Hotel Salvador, this city, in a crowded room in the presence of officials of this Government and at General Carranza's request I read message quoting letter to Mr. Arredondo extending recognition on behalf of the President of the United States to the de facto Government of Mexico; later I formally presented this important message in writing to the Secretary of Foreign Relations, Acuña. General Carranza received the message with evident satisfaction expressing his thanks for my personal congratulations. Secretary Acuña informed me that the work of the establishment of the new Government would now be undertaken by the civilians everywhere. News of recognition is the cause of rejoicing. Sincerely appreciate Department's instructions to present this historic note.

J. W. Belt.

File No. 812.00/16542.

TORREON, *October 20, 1915.*

Department's October 19, notice of recognition. Secretary of Foreign Relations Acuña presents the following note addressed to me requesting that same be transmitted to the Government of the United States:

By your courteous note dated the 19th instant I have been advised that His Excellency the President of the United States has recognized the de facto Government of Mexico, and citizen Venustiano Carranza as head of the Executive Power of the Mexican Republic; and also that the Government of the United States is disposed formally to receive a diplomatic representative of the Mexican Government and will for its part accredit a diplomatic representative to the citizen First Chief as soon as your Government has an opportunity to designate him.

In due response I have the pleasure to say to you that the citizen First Chief of the Constitutionalist Army will at the first opportunity appoint a diplomatic representative near the American Government and will receive with pleasure the representative whom the President of the United States may appoint, so that the relations of friendship which have always existed between the two nations may resume their usual course.

Thanking you sincerely for your felicitations and good wishes for Mexico and with wishes for the prosperity of American people,

I have [etc.]

ACUÑA.

J. W. BELT.

File No. 812.00/16549.

TORREON, *October 22, 1915—6 p. m.*

Recognition of this Government last night and today by Argentina, Brazil, Bolivia, Colombia,[52] Uruguay, Guatemala. Today upon personal invitation Generals Carranza and Obregon reviewed about 20,000 troops of General Obregon. Prior to review General Obregon received news fall of Guaymas, last port held by Villa.

J. W. BELT.

File No. 812.00/16396.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 23, 1915—4 p. m.

109. Your 115, October 5, 4 p. m. Department's information is that postal authorities are doing all they can to forward mails via Laredo and other points. Currency matter was taken up with General Carranza some time ago and Department is under impression threatened repudiation did not take place. Question of mining taxes will continue to receive Department's earnest attention. Silliman reported some time ago Carrancista authorities hold progressive increase in tax is very moderate when compared with income tax effective in United States.

LANSING.

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[52] This is probably a mistake made in transmission, and should read "Chile"—one of the six governments represented at the conference. Colombia had already recognized the de facto Government, on October 19 (File No. 812.00/16528).

File No. 812.00/16616.

Vice Consul Bevan to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Tampico, October 28, 1915.

Peace negotiations are now going on between General Nafarrate, Commander-in-chief of the State of Tamaulipas, and Generals Pelaez and Salazar, leaders of the Villa forces in Vera Cruz. It is now highly probable that results will be satisfactory and that control of entire Tuxpam petroleum fields be turned over to Carranza.

BEVAN.

File No. 812.00/16653.

Special Agent Carothers to the Secretary of State.

[Telegram.]

DOUGLAS, *October 31, 1915—11 p. m.*

Newspaper man interviewed Villa this afternoon giving him first news regarding recognition of Carranza and passage of troops through American territory. Villa was very indignant and defiant and is reported to have stated that he was through with any dealings with the United States and would attack Agua Prieta and also Americans if necessary. He has drawn in his troops within a radius of five miles and probably will start attack on Agua Prieta tomorrow afternoon late.

CAROTHERS.

File No. 812.00/16797.

Vice Consul Bevan to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Tampico, November 5, 1915.

SIR: With further reference to my telegram of October 28 regarding the peace conference between General Nafarrate and Generals Pelaez and Salazar, the leaders of the Villista forces in the State of Veracruz, I have the honor to report that the conference was a success, and the reactionary forces have agreed to espouse the cause of General Carranza. The Villista officers will retain the same ranks in the Carrancista army as they held in the Villista army, and General Manuel Pelaez will remain in command of the Tuxpam district.

I have [etc.]

THOMAS H. BEVAN.

File No. 611.129/47.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 11, 1915.

In several recent cases which Silliman, under instructions, brought to the attention of the de facto Government, he was told matters should be taken up with Governors of States in which they occurred.

The Department considers that diplomatic representations to officials of political subdivisions, such as states or provinces, are regular only in exceptional cases, but should be made to the central government, and that it is the obligation of the de facto Government of Mexico, in keeping with established usage, to entertain and act upon representations made to it by this Department, concerning matters occurring in the several states of the Mexican Republic.

Appropriately suggest this to General Carranza.

LANSING.

File No. 812.00/16797b.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 11, 1915—4 p. m.

129. What information have you regarding activities of Zapata? Keep Department advised by brief telegraphic reports of important developments Mexico City and nearby places of which you have information.

LANSING.

File No. 812.00/16818.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Telegram.]

MEXICO CITY, *November 18, 1915—4 p. m.*

158. Department's 129, November 11, 4 p. m. Without reliable information relative Zapata Convention. Has undoubtedly split, part north and part south. Food conditions Mexico City temporarily improved but apprehension is felt new crop cereal will be exhausted soon throughout Republic. Many confiscations of houses. We have reason to believe friction exists betwen Gonzales and Obregon. Gonzales gone north to confer with Carranza. Currency situation continues to cause uneasiness. Mining tax decrees are a source of great criticism. The two most important features of criticism are that mining taxes are payable in Mexican gold worth some seven times the value of paper currency of forcible circulation and the injustice of increasing taxation on a business which for the most part

is receiving entirely inadequate protection or no protection and therefore unable produce revenue. Equitable arrangement according to persons interested would appear to be entire exemption from taxes until protection afforded. Incoming mail arriving promptly. Railroad traffic very unsatisfactory. Reliable informant states a merchant paid twenty-two thousand pesos in freight and gratifications to move two cars of merchandise from San Luis Potosi to Mexico City in fourteen days.

PARKER.

File No. 812.00/16938.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *December 12, 1915.*

Third party movement has become very apparent here and is undoubtedly backed by Felix Diaz faction. Madero family appear to be actively connected with the movement, which is developing principally at New Orleans, San Diego, El Paso and Guatemala. * * * Serious dissension exists between Villa and several of his prominent generals and overtures are being made to them to deliver Juarez to the new party and establish a base there.

CAROTHERS.

File No. 812.00/16964.

Consul Edwards to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
El Paso, December 17, 1915.

The following communication was handed this Consul by Governor Fidel Avila, Military Governor of the State of Chihuahua, who had just returned from the State capital where he left General Villa, with the request that it be laid before the President. This office holds the original, of which this is a true copy, said original being signed in my presence by Fidel Avila.

EDWARDS.

[Translation.]

Honorable WOODROW WILSON,
President of the United States of the North, Washington, D. C.

Having done all that lay in our power and in a becoming form bent our efforts toward having Don Francisco Villa relinquish the supreme command of the Conventionist Army, we have at last prevailed on the said General Villa to agree to leave the country on the understanding that Your Excellency will extend full guaranties to him.

With that in view, General Villa has commissioned me to make the foregoing statement to you.

I am awaiting Your Excellency's reply, and offer to you the assurances of my esteem and distinguished consideration.

GENERAL FIDEL AVILA,
Military Governor of the State.

File No. 812.00/16971.

Collector Cobb to the Secretary of State.

[Telegram.]

EL PASO, *December 18, 1915.*

Following substantial translation of telegrams exchanged between Avila and Obregon, just furnished by Carranza Consul.

From Avila to Obregon:

I have talked with General Francisco Villa and asked him that in consideration of the solemn moment in which our country has been placed [apparent omission] I firmly believe General Villa will retire completely from the supreme command of the Conventionist army, and on this important matter in which the future of Mexico is involved I wish to have a conference with you. I expect a prompt answer [etc.]

AVILA.

Answer by Obregon:

The future of Mexico is written on the back of the bandit Villa, as we will make him retire. If the commanders and officers are disposed to surrender unconditionally, I will accept their surrender. Villa is outlawed.

OBREGON.

Carranza Consul believes Villa is coming north with view to crossing [to] the United States and quitting rather than go south and fight further. He will ask tonight that certain officers in Juarez be allowed to come to this side for conference. This request will be referred to General Pershing whenever made. Consul hopes for early and orderly turn-over.

COBB.

File No. 812.00/16969.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *December 19, 1915.*

Conferences are being held today between Mexican Consul Garcia and General Villa regarding surrender of State of Chihuahua and agreement will probably be reached. Danger to Americans much diminished. Villa will probably come to United States taking advantage of your offer of refuge in the United States.

CAROTHERS.

File No. 812.00/16973.

Collector Cobb to the Secretary of State.

[Telegrams.]

EL PASO, *December 19, 1915—6 p. m.*

Sylvestre Terrazas and Generals Roberto Limon, Manuel E. Banda and G. Andalon, conferred with Carranza Consul Andrés C. Garcia here today. They represented Villistas army, and Garcia acted with authority from both Carranza and Obregon. It was agreed that amnesty be granted all Villa forces and that all Villa forces should declare allegiance to de facto Government. Parties to resume

conference tomorrow to sign documents to above effect. They did not ask amnesty for General Villa, who is expected to quit Mexico although [no] agreement made to this effect. They will confer with Villa by telegraph tonight. All Villa forces expected to turn over promptly. In meantime Villa forces will not fight. Consul Garcia is handling negotiations splendidly.

COBB.

File No. 812.00/16976.

EL PASO, *December 20, 1915.*

My December 19, 6 p. m. Document just signed by Banda, Limon and Andalon representing Governor Avila, other officers and about 4,000 troops. Former General Yzabel Robles present and participating as sort of mediary. Turn-over expected in Juarez to-day and in Chihuahua in few days. Villa left Chihuahua with 800 men this morning; unknown destination.

COBB.

File No. 812.00/16986.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, December 21, 1915.

General Obregon arriving Nogales tonight desires permission pass through United States to El Paso, wishes leave Nogales tonight. Suggest commanding officer Nogales, Arizona, be instructed.

SIMPICH.

File No. 812.00/16986.

The Secretary of State to Consul Simpich.

[Telegram.]

DEPARTMENT OF STATE,
Nogales, December 21, 1915—10 p. m.

Your December 21. General Obregon is authorized to proceed to El Paso via American Territory, provided he travels as civilian and unarmed. So inform federal authorities on border, especially military authorities.

LANSING.

File No. 812.00/17019.

Collector Cobb to the Secretary of State.

[Telegram—Extract.]

EL PASO, *December 27, 1915.*

Obregon today mustering out former Villa soldiers in Juarez, with apparent entire success.

COBB.

File No. 812.00/17036.

[Telegram.]

EL PASO, *December 31, 1915.*

Obregon will cross to Juarez tonight and go south early Saturday morning. He informs me that most of the men of Villa and Rodriguez have surrendered but that Villa and Rodriguez have so far escaped plan for their capture.

COBB.

EMBARGO ON THE EXPORTATION OF ARMS AND MUNITIONS OF WAR TO MEXICO, AND EXCEPTIONS THERETO.[53]

File No. 812.113/3704a.

The Secretary of State to the Secretary of the Treasury.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 9, 1915.

This Department requests that you instruct the Collectors of Customs at El Paso, Texas. and other border ports to the west of that city, to detain, until the receipt of further advices from this Department, all shipments of arms and ammunition intended for use in Mexico.

ROBERT LANSING.

File No. 812.113/3704.

The Assistant Secretary of the Treasury to the Secretary of State.

TREASURY DEPARTMENT,
Washington, October 9, 1915.

SIR: I have the honor to state that, in accordance with the request in your telegram today, I have instructed the Collectors of Customs at El Paso, Nogales and Los Angeles by wire as follows:

In accordance request State Department detain until otherwise instructed all shipments arms and ammunition intended for use in Mexico.

By direction of the Secretary.
Respectfully,

WM. P. MALBURN.

No. 1315.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas, a Joint Resolution of Congress, approved March 14th, 1912,[54] reads and provides as follows:—"That whenever the President shall find that in any American country conditions of domestic violence exist which are promoted by the use of arms or munitions of war procured from the United States, and shall make proclama-

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[53] Continued from For. Rel. 1914, p. 649.
[54] For. Rel. 1912, p. 745.

tion thereof, it shall be unlawful to export except under such limitations and exceptions as the President shall prescribe any arms or munitions of war from any place in the United States to such country until otherwise ordered by the President or by Congress";

And whereas, it is provided by Section II of the said Joint Resolution, "That any shipment of material hereby declared unlawful after such a proclamation shall be punishable by fine not exceeding ten thousand dollars, or imprisonment not exceeding two years, or both":

Now, therefore, I, WOODROW WILSON, President of the Unitd States of America, acting under and by virtue of the authority conferred in me by the said Joint Resolution of Congress, do hereby declare and proclaim that I have found that there exist in Mexico such conditions of domestic violence promoted by the use of arms or munitions of war procured from the United States as contemplated by the said Joint Resolution; and I do hereby admonish all citizens of the United States and every person to abstain from every violation of the provisions of the Joint Resolution above set forth, hereby made applicable to Mexico, and I do hereby warn them that all violations of such provisions will be rigorously prosecuted. And I do hereby enjoin upon all officers of the United States, charged with the execution of the laws thereof, the utmost diligence in preventing violations of the said Joint Resolution and this my Proclamation issued thereunder, and in bringing to trial and punishment any offenders against the same.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this nineteenth day of October in the year of our Lord one thousand nine hundred and fifteen and of the Independence of the United States of America the one hundred and fortieth.

[SEAL.] WOODROW WILSON.

By the President:

ROBERT LANSING,
Secretary of State.

File No. 812.113/3812b.

The President to the Secretary of the Treasury.

THE WHITE HOUSE,
Washington, October 19, 1915.

MY DEAR MR. SECRETARY: I am informed by the Department of State that the recognized de facto Government of Mexico is now in effective control of all the ports of entry in Mexico, except those along the international boundary in the States of Chihuahua and Sonora and all the ports in Lower California.

As an exception to the embargo placed on the exportation of munitions of war to Mexico by the President's proclamation of October 19, 1915, you will please instruct the collectors of ports and other officers of the Treasury Department to permit to be exported through the United States Custom Houses munitions of war for the use of the recognized de facto Government of Mexico or for industrial or com-

mercial uses within the limits of the territory under its effective control as above set forth. This exception, however, shall not apply at the present time to shipments into the States of Chihuahua and Sonora, and into the Territory of Lower California, and you will so instruct the appropriate collectors of customs and other officers of the Treasury Department.

Sincerely yours,

WOODROW WILSON.

File No. 812.113/3725.

The Attorney General to the Secretary of State.

DEPARTMENT OF JUSTICE,
Washington, October 20, 1915.

SIR: I have the honor to inform you that I have sent the following telegram of instructions to the United States Attorneys for Florida, Louisiana, Texas, Arizona, New Mexico, and the Southern District of California:

President has issued embargo proclamation effective today prohibiting shipments munitions of war into Mexico in precise language of previous proclamation of 1912. President has also limited operation so as to except from the prohibition munitions consigned for use of recognized Carranza Government or for industrial or commercial uses except in Chihuahua, Sonora and Lower California. As to those States and Territory embargo is complete. You are directed to take prompt and vigorous measures to enforce law under this proclamation.

The United States Attorneys have also been directed to transmit the instructions to the United States Marshals, and the Special Agents of the Department of Justice have been similarly instructed.

Respectfully,

T. W. GREGORY.

File No. 812.113/3776a.

The Secretary of State to the Attorney General.[55]

DEPARTMENT OF STATE,
Washington, November 4, 1915.

SIR: The Department of State is anxious to have from you a ruling on the following points, with reference to the interpretation to be put on the term "munitions of war" within the meaning of the President's proclamation of October 19, 1915, prohibiting the exportation of such munitions into Mexico.

1. Can empty cars belonging to the National Railway of Mexico, or to other Mexican railways, brought over from Juarez, be detained at El Paso as munitions of war? These cars, if allowed to return, would afford convenient transportation to the parties in rebellion against the recognized de facto government of Mexico.

2. Can coal and coke destined for use by any faction in rebellion against the de facto government of Mexico, or for use in the territory

[55] In connection with the subject of this letter and the following one in reply, see For. Rel. 1913, p. 872; For. Rel. 1912, pp. 759, 771.

of the rebellious faction and which could therefore be easily requisitioned by it, be classed as munitions of war? Such coal would be used to operate trains in the military movements of those in revolt against the de facto government, and the coke would be used to operate American-owned smelters which would probably be damaged beyond repair because of the inexperience of the revolutionary operatives.

In connection with the importation of cattle and other live stock from territory occupied by the revolutionists, the proceeds of which would be used to continue revolutionary activities, I have the honor to ask whether there is any authority of law that could be invoked to prohibit such importation. The ruling is desired to cover confiscated or stolen live stock, or stock that is shipped by or in the interest of those involved in the continuance of revolutionary conditions in the Republic of Mexico.

In further relation to this matter, I have the honor to state that Mr. Juan N. Amador, who is temporarily representing the interests of the recognized de facto government of Mexico in Washington, has called to the attention of the Department a decision of the Supreme Court of the United States in the case of the United States against Sheldon, 2 Wheat., 119, which he seems to think has some bearing on the matter under discussion.

Hoping that the Department may be favored with an early reply, in view of the conditions existing on the Mexican border,

I have [etc.]

ROBERT LANSING.

File No. 812.113/3777.

The Attorney General to the Secretary of State.

DEPARTMENT OF JUSTICE,
Washington, November 18, 1915.

SIR: I acknowledge receipt of yours of the 4th requesting an opinion with reference to the interpretation to be put on the term "munitions of war" as used in the President's proclamation of October 19, 1915, prohibiting the exportation of such munitions into Mexico. The request involves a reconsideration of several former expressions of opinion by the Attorney General.

Your first question is—

> Can empty cars belonging to the National Railway of Mexico, or to other Mexican railways, brought over from Juarez, be detained at El Paso as munitions of war? These cars, if allowed to return, would afford convenient transportation to the parties in rebellion against the recognized de facto government of Mexico.

From the above I understand that these cars are ordinary railroad cars, owned by private corporations, and are not being claimed or used by armed forces operating against the de facto government of Mexico, but that they might be so used for transportation purposes in case they were allowed to return. They do not appear to be of a type adapted only to military use; or to have been collected in such

a way as to indicate that they were intended for military purposes alone, or for military purposes at all; or to be destined to a military depot or organization of the parties in rebellion against the recognized de facto government of Mexico.

I am of the opinion that these cars do not constitute munitions of war, and I therefore answer your first question in the negative. The cases of *United States* v. *Barber*, 9 Cranch, 243, and *United States* v. *Sheldon*, 2 Wheat., 119, should not be treated as expanding the meaning of the phrase "munitions of war." In both of these cases the statute under consideration forbade the transportation to Canada of "naval or military stores, arms or munitions of war, or *any article of provision*." In the first case referred to, the Court certified its opinion that fat cattle were provisions or munitions of war within the true intent and meaning of the Act. In the second case the Court expressed the opinion that the cattle were "articles of provision *and* munitions of war." In either case it was sufficient to find that the cattle were articles of provision. Neither decision discusses the general scope of the phrase "munitions of war" and neither can be fairly treated as fixing an interpretation of that phrase.

Your second question is—

> Can coal and coke destined for use by any faction in rebellion against the de facto government of Mexico, or for use in the territory of the rebellious faction and which could therefore be easily requisitioned by it, be classed as munitions of war? Such coal would be used to operate trains in the military movements of those in revolt against the de facto government, and the coke would be used to operate American-owned smelters which would probably be damaged beyond repair because of the inexperience of the revolutionary operatives.

The original Joint Resolution of April 22, 1898 (30 Stat. 739), of which the Joint Resolution of March 14, 1912, was an amendment, prohibited the export "of coal or other material used in war from any seaport of the United States"; and in the debates (see 55th Cong., 2d Sess., Vol. 31, pp. 41–46 et seq.) in the Senate, the phrase "other materials used in war" was apparently deemed to by synonymous with "munitions of war." See the following colloquy in the Senate:

> Mr. CAFFERY. I inquire of the Senator from Connecticut whether it could not specify the articles the exportation of which shall be prohibited?
> Mr. HAWLEY. It would be very difficult. There might have been something more of description, but it is impossible to go into the minute description of fulminates and percussion caps and primers and ramrods.
> Mr. CAFFERY. Suppose we say, "Coal and munitions of war."
> Mr. JONES of Arkansas. It does practically now.
> Mr. CAFFERY. Then I should be satisfied with it.
> Mr. CHANDLER. I suppose it is well known what war material is. It seems to me that discretion may be safely left to the President.
> Mr. CAFFERY. Does the joint resolution say "war material"?
> Mr. CHANDLER. Materials used for war.
> Mr. HAWLEY. For war.
> Mr. CAFFERY. Then I have nothing more to say.

When the Joint Resolution of 1912 was under consideration in the Senate (see Cong. Rec. 62d Cong., 2d Sess., Vol. 48, pp. 3257–3258), Mr. Root stated:

Mr. ROOT. This joint resolution eliminates coal. It does not apply to anything except arms and munitions of war.

Mr. SHIVELY. It really narrows the joint resolution that is the existing law.

Mr. LODGE. The existing law is broader than the joint resolution under consideration. The existing law covers coal specifically.

Mr. CHILTON. That is why I asked the question.

Mr. ROOT. The existing law is narrowed in every respect but one; and that is, it is applied not only to exportations from seaports, but from inland places.

From the above, it is evident that coal was not intended to be included, and I therefore answer your second question in the negative.

Your third question is whether—

"* * * there is any authority of law that could be invoked to prohibit" the importation of cattle and other live stock from "territory occupied by the revolutionists, the proceeds of which would be used to continue revolutionary activities."

You state that this ruling is desired to cover confiscated or stolen live stock or stock that is shipped by, or in the interest of, those involved in the continuance of revolutionary conditions in the Republic of Mexico. I know of no present authority of law (other than the quarantine act) under which the importation of this live stock could be forbidden. The real owners could, of course, assert their rights to it in the courts which acquired jurisdiction over the property.

Respectfully,

T. W. GREGORY.

File No. 812.113/3855.

The Confidential Agent of the Constitutionalist Government to the Secretary of State.

CONFIDENTIAL AGENCY OF THE
CONSTITUTIONALIST GOVERNMENT OF MEXICO,
Washington, December 31, 1915.

MY DEAR MR. LANSING: I am directed by my Government to invite your excellency's attention to the fact that revolutionary conditions having changed in the States of Chihuahua and Sonora and the Territory of Lower California, it would seem unnecessary, save your excellency's wiser opinion, to continue to enforce the embargo on arms and ammunition for all parties concerned and that the same should be confined only to the enemies of the de facto Government of Mexico, giving the latter the right to export arms and ammunition into the above-mentioned states and territory without the requisite of a special permission. Hoping that your excellency may find it consistent to recommend the above-mentioned method of supplying our army with the indispensable elements of war, I hasten to thank you for your good offices in the matter.

I have [etc.]

E. ARREDONDO.

93072°—F R 1915——50

FIRING AND RAIDS ACROSS THE BOUNDARY LINE BY MEXICAN TROOPS AND BANDITS—PREVENTIVE MEASURES TAKEN BY THE UNITED STATES.[56]

File No. 312.11/5532.

Border casualties.

[Data furnished to the Department of State by the War Department, January 2, 1915.]

December 18, 1914.

Casualties on the American side of the *entire Mexican border* caused by shots fired across the line, since 1911:

Killed.		Wounded.	
Soldiers.	Civilians.	Soldiers.	Civilians.
	2 (in 1911)..... 3 (in 1914 at Naco, Ariz.).	1 (in 1913)..... [1]18 (in 1914 at Naco, Ariz.).	8 (in 1911). 32 (in 1914 at Naco, Ariz.).
0	5	19	40

Total casualties, 64.

[1] Private Watson, B, 9th Cav., died of wounds received on Oct. 17, 1914.

File No. 812.00/14143a.

The Acting Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 2, 1915.

385. Department is advised that proposed agreement[57] between Maytorena [Conventionist general] and Benjamin Hill [Constitutionalist general] relative to prosecution of hostilities so as to avoid violations of American territory [by troops] in Sonora has been signed by Hill without hesitation, but that Maytorena refuses to sign without orders from his Government. General Scott at Naco, Arizona, is informed that Maytorena had received no instructions from President Gutierrez up to December 31 and that it is believed, as the agreement affects only military operations, General Villa could authorize Maytorena to sign agreement. It appears that one of Maytorena's patrols fired upon Naco and several bullets again fell upon American territory, and that two of Hill's men who had left their trenches to catch a horse were attacked by Yaquis who killed one and chased another one thousand meters into American territory and when the American troops caught the soldier of Hill, the Yaquis fired on the Americans. A troop of American cavalry went out to apprehend the Yaquis, but the latter withdrew to the

[56] Continued from For. Rel. 1914: Mexico, Firing across the boundary line by Mexican troops, etc.; pp. 649–655.
[57] Id., p. 653.

Mexican side and the Americans did not pursue them. In reply to General Scott's request that Maytorena be instructed to sign agreement with Hill, General Villa replied December 31 that while recognizing United States' right to defend life and interests of Americans in Naco, to sign the agreement would be greatly prejudicial to him and would prolong the situation in Sonora; that he had mobilized 8,000 cavalry under General Cabral who were now proceeding to Naco to take that town by assault; and that if General Scott would have patience for four days more Naco would be taken and the situation ended in a definite manner. It has been suggested to General Villa that the contemplated attack on Naco could not be permitted, as it could not be made without bullets falling on the American side. The proposed attack on Naco contemplated by General Villa would be extremely dangerous to the rights and property of Americans. The situation is regarded by the President as extremely critical and fraught with grave possibilities.

Please bring the foregoing to the attention of President Gutierrez and impress upon him most emphatically the necessity of preventing the mobilization of 8,000 cavalry at Naco, with a view to attacking the opposing forces which hold that town. An attack must necessarily cause bullets to fall on American territory and place in jeopardy the life and property of American citizens. Attempts to take Naco in these circumstances might force the United States to defend its citizens and their interests by force of arms. It is needless to point out to you the seriousness of such an event.

A communication in the sense of the foregoing has also been sent to General Villa through General Scott at Naco.

ROBERT LANSING.

File No. 812.00/14139.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, January 4, 1915.

270. Department's 385, January 2. Mr. Ortiz Rodriguez, Acting Secretary for Foreign Affairs, called upon me this afternoon and requested me to convey to you the following:

The Mexican Government, showing the best intention to solve in a satisfactory manner the Naco case ,ordered Maytorena by wire today not to attack and to withdraw from the border. The situation being so relieved for the time being, the Mexican Foreign Office will take the time necessary to study the case under its political and military aspects so as to give its final decision, as the present Acting Secretary for Foreign Affairs is very busy just now with the reorganization of the office force and attending to other important international affairs.

CARDOSO DE OLIVEIRA.

File No. 812.00/14136.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State.

WASHINGTON, *January 4, 1914.*

YOUR EXCELLENCY: I have been informed by the press that the Department of State continues to be deeply concerned about the

Naco incident due to the attitude of Governor Maytorena, who has not so far defined his conduct and intentions. According to the same press, I am pleased to see that the Department of State has at its disposal repeated reports on the efforts and best wishes of General Benjamin Hill to avoid at all hazards that projectiles from the Maytorena troops should cross the line into American territory.

For my part, inspired by the desires which animate Mr. Carranza that no damage should be caused to the interests and persons of the residents of Naco, Arizona, I beg leave to address your excellency the present note to express my best wishes to do whatever may be necessary to cooperate with you towards the solution of this deplorable incident. To that end, I beg to offer you my good offices in my capacity of representative of the Constitutionalist Government here, as well as those of our counsel, Mr. Charles A. Douglas, who like myself will go to the extent that the circumstances may require, in the belief that this will afford us the opportunity to set in relief the friendliness of Mr. Carranza and his government for the American people.

I avail [etc.]

E. ARREDONDO.

File No. 812.00/14144.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *January 5, 1915.*

I have great faith in Generals Scott and Villa reaching an agreement on Naco situation and at the same time probably arriving at the settlement of entire border difficulties. In order to facilitate matters I strongly recommend that General Scott be permitted to call upon Villa freely in Juarez and Villa be permitted to come to El Paso, Texas. This would not only strengthen good feeling already existing but would avoid humiliating Villa by forcing him to come to this side each time a conference is desired. Conferences on international bridge are not practicable. Villa comes here animated by keen desire to preserve existing friendly relations and if General Scott is permitted freedom of action he will secure everything he desires from Villa.

CAROTHERS.

File No. 812.00/14144.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 7, 1915.

Yours January 5. Will call War Department's attention to your recommendation that General Scott be permitted to call upon Villa freely in Juarez. Approve your recommendation that Villa be permitted to come to El Paso for consultation.

BRYAN.

File No. 812.00/14176.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *January 9, 1915.*

I accompanied General Scott at conference with Villa this morning and acted as his interpreter. They arrived at amicable solution of Naco situation, Villa agreeing to order Maytorena to sign agreement which President approved. I anticipate no further trouble over this affair.

G. C. CAROTHERS.

File No. 812.00/14612.

Agreement of January 11, 1915, between Governor Maytorena and General Calles.

Agreement celebrated between the Constitutional Governor and Military Commandant of the State of Sonora, and General P. Elias Calles, Commandant of the Constitutionalist forces in Naco and Agua Prieta, Sonora.

1st. That the Port of Naco, Sonora, will be evacuated by the Constitutionalist forces under the command of General P. Elias Calles.

2d. That Governor Maytorena and General P. Elias Calles solemnly promise that they will not occupy in any way the Port of Naco, Sonora.

3d. In order to carry the foregoing articles into effect, the Port of Naco, Sonora, will remain neutral and closed to traffic and commerce as to its custom house until the constituted government of Mexico, recognized by the United States, shall take possession, or that[58] one of the contending factions in the State dominates completely and substantially the other.

4th. It is agreed also that during the military operations the contending factions will respect, respectively, the ports of Nogales, in the power of the Conventional [sic] forces under the command of Señor Maytorena, and of Agua Prieta, under the command of Señor P. Elias Calles, chief of the Constitutionalist troops in the State, that is, that the said places will not be attacked for any reason in order to avoid a struggle at any frontier occupied place[59] which corresponds to an American occupied place, with the object of avoiding damage on American territory, and thus expose the friendly relations with the United States.

5th. It is agreed, in order to conclude and put in practice the agreement in the foregoing articles, that all the troops under the command of Señor Maytorena, actually operating in the neighbor-

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[58] The accompanying Spanish copy reads: "quedará neutral y cerrado al tráfico y al comercio *así como* su aduana hasta que pueda tomar posesión de él *un Gobierno Constituido en Mexico y reconocido al menos por los Estados Unidos o que* una de las facciones contendientes, etc." ("will remain neutral and closed to traffic and commerce *as well as* its custom house until *a constituted government in Mexico and recognized at least by the United States* can take possession thereof, *or until* one of the contending factions, etc.").

[59] The Spanish copy reads "esto es que dichas plazas no serán atacadas por ningún motivo *así también como se evitará la lucha* en cualquier población fronteriza, etc." ("that is, that said places will not be attacked for any reason, *just as fighting will also be avoided* at any frontier town, etc.".

hood of Naco, will retire to Cananea or Nogales, Sonora, at their choice, and they will not molest in the least the troops of Señor P. Elias Calles during the evacuation of Naco and march toward Agua Prieta. It is agreed also that during the aforesaid operations that the troops of General P. Elias Calles will not molest those of Señor Maytorena.

6th. The troops under the command of Señor Maytorena, actually in the neighborhood of Agua Prieta will retire to Fronteras, south of said place, leaving free the western side of the same, until the moment in which the troops under the command of Señor General P. Elias Calles occupy the said place of Agua Prieta.

(Sgd) General P. Elias Calles,
Naco, Arizona, January 11, 1915.

(Sgd) José M. Maytorena.

Naco, A., *January 11, 1915.*

A true copy.

H. L. Scott
Brig. Gen. U. S. A., Chief of Staff.

File No. 812.00/14218.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

Brazilian Embassy,
Mexico City, January 16, 1915.

290. Your December 26, 8 p. m. 375.[60] Acting Secretary of Foreign Relations has just addressed me the following note:

Mr. Minister: The Government emanated from the Convention, in its constant desire to dictate all measures tending not only to the establishment of public order but to the safety and guaranty of national and foreign interests and with a view to avoid any international incidents, has ordered the withdrawal of the forces of the Convention which were attacking Naco. The Government, being besides agreeable, in order to avoid trouble, to accept the proposals contained in your excellency's note dated the 23rd ultimo, taking the liberty to modify partially the third clause of the agreement in such a way that without jeopardizing the end which above [sic] without prejudice to the Government of the Convention to move its custom house in accordance with existing regulations. Therefore the forces under the orders of Messrs. Hill and Calles, who are now in possession of the town of Naco, should proceed to its evacuation, to which end this Government will allow them to get out without hostilizing them.

I entreat your excellency to bring the above to the knowledge of Secretary Bryan who has been pleased to mediate in this matter and also to inform him that when this Government shall have knowledge that Mr. Carranza accepts the proposed modification to said third clause my Government will issue the necessary orders to whom it may concern. [As] it is desired that military operations be not interfered with, said clause will now remain in the following terms:

To avoid trouble and damage to foreigners, both parties hereby agree not to attack their adversaries in the zone parallel to the frontier in such a manner that the shots fired might cross the line, Naco in the meantime remaining neutral for both belligerents and closed to all traffic and exterior commerce, the custom house being provisionally closed, to be reopened when any of the belligerents shall have attained a definite control

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[60] See For. Rel. 1914, p. 653.

over all that region or when there is a government in existence recognized by the United States.

All of the [omission in transmission] so that the agreement may be signed. I avail [etc.]

JOSÉ ORTIZ RODRIGUEZ.
CARDOSO DE OLIVEIRA.

File No. 812.00/14249.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State.

WASHINGTON, *January 20, 1915.*

MY DEAR MR. BRYAN: It affords me pleasure to include hereinafter copy of a telegram received from General Elias Calles, who commands the Constitutional troops which recently evacuated Naco, Sonora:

Agreements entered into with Maytorena, due to friendly and impartial cooperation of General Scott, practically ended. My column evacuated Naco arriving here yesterday without trouble. I consider that the sacrifice we made by giving up Naco, which we were able to defend for three months, is a good proof of our wish to avoid difficulties with the United States Government, which has pursued an equitable and judicious policy. In our interchange with General Scott I found him gentlemanly and impartial. I beg you to express my gratitude to him for his mediation and the trouble he had to go through on this account. Regards.

GENERAL P. ELIAS CALLES,
Governor and Military Commander of Sonora.

I beg your excellency to convey to General Scott the appreciation of General Elias Calles as well as mine for his invaluable good offices regarding the Naco incident, and to accept for yourself the testimony of my recognition that the happy outcome of this delicate matter is in no lesser degree due to your excellency's prudent and benevolent guidance.

With assurance [etc.].

E. ARREDONDO.

File No. 812.00/14246.

Vice Consul Simpich to the Secretary of State.

[Telegrams.]

AMERICAN CONSULATE,
Nogales, January 20, 1915.

Carrancistas have evacuated Nacozari which town now occupied by Maytorenistas; Cabral's troops not yet arrived from Chihuahua. Cabral going Cananea tomorrow; Maytorena remains here; local conditions quiet.

SIMPICH.

File No. 812.00/14324.

AMERICAN CONSULATE,
Nogales, February 1, 1915.

Am reliably informed Governor Maytorena has appointed collector of customs for Naco, Sonora, named G. Breton, and that Breton occupied Naco yesterday with fifteen employees of customs and municipal services, and that thirty additional employees arrived to-

day from Douglas. Occupation is apparently by civil authorities only. Dead are being buried and town cleaned up. Southern Pacific gateway of Mexico announces resumption of train service between Naco and Cananea on February 2. General Elias Calles telegraphs me from Aguaprieta today protesting against railway company's activity in assisting Maytorenistas to reoccupy Naco in violation of neutrality agreement as signed with General Scott. It is believed Calles will attempt destroy railroad if traffic resumed.

SIMPICH.

File No. 812.00/14331.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State.

WASHINGTON, *February 1, 1915.*

MY DEAR MR. BRYAN: I beg to inform your excellency that I have just received advice from General Plutarco Elias Calles, Military Commander of the Constitutionalist Forces at Agua Prieta, Sonora, that Maytorena, flagrantly infringing the agreement entered into to neutralize the town of Naco, Sonora, has occupied this frontier port with his troops.

I have the honor to bring this to your excellency's attention to the end that you may take cognizance of the inconsistency and lack of seriousness of the pacts of the Villa faction in contrast with the behaviour of General Calles, who, honestly observing the agreement, evacuated Naco moving his troops to Agua Prieta, where he is still residing.

With the assurance [etc.]

E. ARREDONDO.

File No. 812.00/14351.

WASHINGTON, *February 5, 1915.*

MR. SECRETARY: I have the honor to refer again to my note of February 1, relative to the occupation of Naco, Sonora, by forces of Maytorena, and, pursuant to instructions I have received from my Government, I beg to bring the following facts to your excellency's attention:

It is now officially confirmed that the port of Naco, Sonora, has been occupied by Maytorena and his forces, thus violating the agreement which, in consideration of the good offices of General Scott, was entered into between General Hill,[61] commanding our forces, and Maytorena.

Paragraphs 2 and 3 of the agreement state:

> Governor Maytorena and General Hill hereby solemnly agree not to occupy in any way or manner the port of Naco, Sonora, which shall remain neutral and closed to traffic and commerce, as well as its custom house, until such a time as the same may be taken possession of by a constituted government of Mexico and recognized at least by the United States, or in the case that one of the factions at war in that State completely and substantially overpowers the other.

I also beg to bring to your excellency's attention that the Southern Pacific Company, in Mexico, continues to meddle in our political

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[61] In the text as received by the Department in the copy certified by General Scott (see ante) and in subsequent correspondence (see post) it is not Hill but Calles who signed with Maytorena. But see the telegram of January 2.

affairs, notwithstanding the fact that the employees of the above-mentioned company have been warned by us that their attitude is imprudent, especially so because Mr. Crown, an employee of the company, has taken active participation in the occupation of Naco by Maytorena's forces.

In the belief that your excellency will have the kindness to take cognizance of the above facts, for such purposes as the same may suggest,

I avail myself [etc.]

E. Arredondo.

File No. 812.00/14686a.

The Secretary of State to Special Agent Silliman.

[Telegram.]

Department of State,
Washington, March 24, 1915.

We are informed that a situation has arisen on the border near Agua Prieta, which is likely to spread to Naco and Nogales, and which menaces the lives of Americans across the line. The agreement made January 11 between General Carranza represented by General Calles, and General Villa represented by Governor Maytorena, has been effective thus far, much to the relief of Americans in that section. We are sure that General Carranza and General Villa are earnestly desirous of having the terms of the agreement fully and completely enforced and we are therefore sending this identic note to the two generals that they may immediately give the necessary orders for the prevention of hostilities at the border.

You will please bring the matter to the attention of General Carranza at once and thus make it unnecessary for the American authorities to take any steps for the protection of American life and property on the American side of the border.

Bryan.

File No. 812.00/14686b.

The Secretary of State to Special Agent Carothers.

[Telegram.]

Department of State,
Washington, March 24, 1915.

We are informed that a situation has arisen on the border near Agua Prieta, which is likely to spread to Naco and Nogales and which menaces the lives of Americans across the line. The agreement made January 11 between General Carranza represented by General Calles, and General Villa represented by Governor Maytorena, has been effective thus far, much to the relief of Americans in that section. We are sure that General Carranza and General Villa are earnestly desirous of having the terms of the agreement fully and completely enforced and we are, therefore, sending this identic note to the two generals that they may immediately give the necessary orders for the prevention of hostilities at the border.

You will please bring the matter to the attention of General Villa at once and thus make it unnecessary for the American author-

ities to take any steps for the protection of American life and property on the American side of the border.

BRYAN.

File No. 812.00/14690.

The Acting Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, March 24, 1915.

MY DEAR MR. SECRETARY: In accordance with our personal conversation in your office, I sent the inclosed despatch to General Funston.

With great respect [etc.]

HENRY BRECKINRIDGE.

[Inclosure.]

The Acting Secretary of War to General Funston.

[Telegram.]

WASHINGTON, *March 24, 1914.*

Diplomatic representations are being made by the State Department to Carranza and Villa urging them to order their commanders to comply with the terms of the agreement of January 11, 1915, and under no circumstances execute an attack upon a border town that would endanger American lives and property. I will inform you as soon as I learn from the State Department that Carranza and Villa have actually received the diplomatic representations and will give you any further instructions that may then be necessary if any are necessary. You will take such steps as may be necessary to protect American lives and property in the event of an attack upon Agua Prieta provided that such steps do not include a crossing of the Mexican border by our troops. You will refrain, if it is at all possible, from taking any forcible action until you have heard from me that the diplomatic representations have been received by Carranza and Villa and they have had time to communicate their orders to their commanders. You will endeavor to communicate to the commanders of the Mexican troops along the Sonora border in the region about Agua Prieta that such representations have been made to Carranza and Villa and that forcible action, if necessary, will be taken to protect American lives and property. Urge upon these commanders compliance with the agreement of January 11 between Maytorena and Calles. The general object of these instructions is to prevent the recurrence of the conditions that existed at Naco. Advise the Department without delay of any threatening development of conditions.

BRECKINRIDGE.

File No. 812.00/14687.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 25, 1915.*

The matter pertaining to situation on border, Department's March 24, was presented to Mr. Zubaran as General Carranza continues sick in bed. I was assured that immediate orders would be given to avoid the possibility feared.

SILLIMAN.

File No. 312.112W892/30.

Special Agent Carothers to the Secretary of State.

[Extract.]

GOMEZ PALACIO, *March 27, 1915.*

SIR: * * * Referring to enclosure, General Villa is very anxious that you give the matter consideration, as he considers that a great injustice is being done the country and the pacification retarded by the fact that we insist that border towns be not attacked, at the same time permitting the forces in possession of those towns to arm and equip revolutionary forces from the United States. He is willing to have it work against all factions, including himself.

I have [etc.]

G. C. CAROTHERS.

[Inclosure—Translation.]

PRIVATE CORRESPONDENCE OF THE OFFICIAL IN CHARGE OF FOREIGN RELATIONS AND JUSTICE.

CHIHUAHUA, *March 27, 1915.*

MR. GEORGE CAROTHERS,
Confidential Agent of the American Government.

VERY DEAR SIR AND FRIEND:

Referring to the conversation which we had this afternoon in regard to the difficulties which may arise in connection with the occupation of frontier towns bordering on the United States by belligerent forces of the factions now disputing with one another the supremacy, and realizing the just reasons which the White House Government has for trying to prevent fighting between these forces on the boundary line and especially in the vicinity of American cities, I have thought it suitable to submit to the consideration of your Government, through your worthy agency, the following propositions which I will undertake briefly to justify.

I repeat that I find your Government's attitude explainable, owing to the injuries and losses of lives that have already been caused on various occasions on the American side as a result of the attacks on Mexican towns made by some of the contending leaders. But at the same time your Government will surely take into account that the belligerent force cannot permit the troops of the enemy to remain undisturbed and indefinitely in possession of a frontier town which they may and actually do use in most cases as a base of military supplies.

If this practice were permitted unconditionally, the opposing factions would find themselves prevented from weakening their enemy, who could easily continue in possession of a customhouse without owing obedience to the Federal Government or to the local government of the State to which the customhouse belonged, which would of course make it impossible to pacify and regularize the commercial traffic between the United States and Mexico.

The right of any of the political parties in a civil war to reduce the adversary to impotence, to dislodge him from points which he may occupy (especially his base of military operations) and to deprive him of any source of supply is incontestable in theory; and only in special cases, such as that with which we are dealing, does the desire to avoid international complications counsel refraining from an armed attack on the frontier cities.

But this does not mean that the contending parties lack other permissible means from the standpoint of the law of war for attaining the ends referred to in the foregoing paragraph, these being means which the bordering countries cannot consider as infringing upon their rights.

Among other means, there is that of establishing a genuine blockade on the national territory in order to prevent the arrival of reinforcements, pecuniary aid, provisions, etc., of any kind.

Such an operation would, however, prove useless if the American frontier port continued nevertheless to remain open unconditionally so that the block-

aded forces might supply themselves freely with provisions, arms and ammunition.

And I not only consider that any effort on the part of the besieging belligerents would prove useless, but that it might even perhaps be regarded as a violation of neutrality on the part of the American Government if it failed to order the closure of the frontier port, for it would practically be rendering at that point material aid to one of the parties as against the other.

At the same time there would appear to be a lack of international reciprocity, for if an attack on these places is not carried out owing to the possible risk to the lives and property of the residents on the American side, it seems natural that the Government of that country ought in turn to abstain from acts which would favor the besieged to the detriment of the besiegers.

Under these circumstances I believe it is possible to apply to the case of a blockade by land of frontier ports or places, principles in some respects similar to those of maritime blockade. And thus, as a supplement to the agreement concluded by General Scott, it might be arranged that whenever either of the belligerents effectively blockaded an American frontier port—that is, with sufficient forces to prevent any access thereto of persons, pecuniary aid, arms, ammunition, etc.—the President of the United States should temporarily decree the closure of the port in question, in order that the Government might preserve strict neutrality in the case.

If this action were taken, the blockaded forces would be obliged to give battle outside the city and away from the boundary line in order to break the siege, or else they would have to surrender or intern themselves in the United States, where they would be disarmed if they were permitted to enter.

Of course, just as in a sea blockade, the necessary notice would first have to be given and the blockade would have to be effective.

I beg of you, Mr. Carothers, to do me the favor of submitting these reflections to the consideration of your Government, which I hope will find them just and equitable, inasmuch as their provisions would be applicable to any of the political parties who might happen to be in the situation contemplated.

I remain [etc.]

MIGUEL DIAZ LOMBARDO.

File No. 812.00/14726a.

The Secretary of State to Consul Johnson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 27, 1915.

You are instructed to deliver a most earnest warning to the commanders of both factions carrying on warfare about Matamoros that they must conduct their operations at Matamoros in such manner as not to menace the lives of American citizens at Brownsville by firing across the border. Telegraph results representations.

BRYAN.

File No. 812.00/14735.

The Adjutant General to General Funston.

[Telegram.]

WAR DEPARTMENT,
Washington, March 29, 1915.

American Consul Matamoros on March 27 telegraphed State Department that there had been some firing from Brownsville, Texas, into Matamoros, Mexico. Secretary State has requested Governor Texas to have local authorities take appropriate precautionary measures to prevent repetition. He requests United States military au-

thorities in vicinity Brownsville be instructed by wire to the end that further firing from Brownsville into Matamoros be prevented. Take appropriate measures accordingly.

McCAIN.

File No. 812.00/14758.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State.[62]

WASHINGTON, *March 31, 1915.*

MR. SECRETARY: I am just in receipt of telegraphic instructions from Mr. Carranza, First Chief of the Constitutionalist Army and Depositary of the Executive Power of Mexico, directing me to bring to your excellency's attention the contents of a letter received by General Plutarco Elias Calles, Commander of the Constitutionalist forces at Agua Prieta, from Colonel C. M. O'Connor, commanding the American troops at Douglas, Arizona:

> In compliance with instructions from the Secretary of War, you are urged to injoin upon all your forces a strict compliance with the terms of the agreement of January 11, 1915, between Governor Maytorena and yourself and prevent the recurrence of conditions such as existed at Naco, Sonora. You are further advised that in the event that an attack upon a border town takes place, that would endanger American lives and property, forcible action, if necessary, will be taken to protect them. A copy of this letter and your reply will be forwarded to the Secretary of War of the United States.

In reply to the above letter from Colonel O'Connor, I am directed to apprise your excellency that the agreement made between General Hill and Maytorena was immediately infringed by the latter when he occupied Naco, Sonora, and therefore, it would not be at all improbable that Maytorena might again infringe it in some other way; but in so far as our troops are concerned, and not because of the above-mentioned agreement but in observance of our spontaneous purpose to avoid international conflicts, Mr. Carranza has instructed General Calles to resort to all possible means to avoid any action which might endanger the lives and property of persons residing on the American side of the boundary.

I avail [etc.]

E. ARREDONDO.

File No. 812.00/14849.

The Acting Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 10, 1915.

Your despatch March 27. Inform Villa and Lombardo that, apparently, only authority of law given President to close an American port is in case of insurrection in district where such port is located.

Inform Villa this Government has not endeavored to prevent his attack on Matamoros or Nuevo Laredo, although it is extremely

[62] Receipt acknowledged April 2, 1915.

solicitous for the safety of its citizens across the border from those places, and has therefore communicated an earnest warning to the opposing commanders at Matamoros and Nuevo Laredo that they must conduct their warfare in such manner as not to menace the lives of Americans on American territory. The Carrancista commander at Nuevo Laredo has promised to comply with our request and to conduct operations several miles from the city.

ROBERT LANSING.

File No. 812.00/15567.

The Confidential Agent of the Provisional Government of Mexico to the Secretary of State.

WASHINGTON, *July 21, 1915.*

EXCELLENCY: I consider it my duty to invite the Department's attention to the circumstances attending the capture of Naco, Sonora, by a large military force composed of partisans of Carranza led by General Elias Calles, in direct violation of the agreement entered into, at the instance of Brigadier General Hugh L. Scott, U. S. A., between Governor Maytorena and General Calles, provided [providing] that the place should be thereafter regarded as neutral by both parties. To this agreement the forces under Governor Maytorena have given absolute adherence.

When, however, Governor Maytorena recently despatched a portion of his troops to the south for the purpose of affording protection to foreign residents in the locality from violence at the hands of the hostile Yaqui Indians, General Calles took advantage of the fact to march on Naco with a large force and to occupy it after a brief resistance in which several civilians lost their lives. The crime committed by Calles in killing these men, whose lives were rendered sacred by the agreement above referred to, is nothing short of murder of the worst character. The town, by virtue of the neutrality border stipulations, was practically without military defenses and depended entirely for its safety on the obligations contracted by both parties concerned.

In view of this act of duplicity, by which General Calles will now seek to profit by using Naco as a base for the accumulation of munitions of war and as a rendezvous for the concentration of recruits, I respectfully suggest that the exportation of munitions of war from the American side of Naco be for the time being prohibited, authority for which can be found in the Joint Resolution of Congress, approved March 14, 1912. Such, I am sure, will serve to discourage military operations near the border towns, which my Government, like that of the United States, is so anxious to see avoided.

In expressing the hope that the Department will give to this matter its prompt consideration, I beg your excellency to accept [etc.]

ENRIQUE C. LLORENTE.

File No. 812.00/15567.

The Secretary of State to the Confidential Agent of the Provisional Government of Mexico.

DEPARTMENT OF STATE,
Washington, July 22, 1915.

SIR: The Department acknowledges the receipt of your letter of July 21, regarding the action of General Calles of the Carranza forces in taking the town of Naco in violation of an agreement entered into between General Calles and Governor Maytorena.

In view of the conditions surrounding the making of this agreement, special attention is being given to the matter referred to by you in your letter of July 21, as a result of communications from the War Department.

I am [etc.] ROBERT LANSING.

File No. 812.00/15510.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 22, 1915—2 p. m.

On July 19 General Calles assaulted and captured border town of Naco in direct violation of Calles-Maytorena agreement, signed January 12 [11] last, providing that "they will not occupy in any way the port of Naco."

It was also arranged between Roberto Pesqueira, representing General Carranza, and Maytorena, at that time, that Maytorena should be responsible for the civil officers of Naco. The Calles-Maytorena agreement also provided that Calles should hold Agua Prieta and Maytorena Nogales, and "that said places will not be attacked for any reason by either force, in order to avoid a struggle at any frontier occupied place which corresponds to an American occupied place, with the object of avoiding damage on American territory and thus expose the friendly relations with the United States."

It is reliably reported that General Calles is now moving against Nogales which he intends to assault.

In view of existence of the Calles-Maytorena agreement you are instructed to make strenuous representations to Carranza to the end that General Calles be immediately directed not only to desist in his designs upon Nogales, but to at once withdraw his forces from Naco, a neutral point. General Calles should be informed that he will be held personally responsible for any act which might jeopardize the lives and rights of American citizens at these border towns by reason of any campaign of his against such towns in direct violation of his signed pledge. This Government expects Carranza to act with great promptness in giving Calles appropriate instructions. Telegraph immediately.

LANSING.

File No. 812.00/15547.

The Acting Secretary of War to General Funston.

[Telegram.]

WAR DEPARTMENT,
Washington, July 24, 1915.

The War Department realizes perfectly the undesirability from a military standpoint of the restriction that is placed upon you in not giving you permission to cross the Mexican border in case it should become necessary to use force to protect American life and property on the American side of the line. But this restriction is imposed on account of the necessity of retaining in the hands of the authorities at Washington the final discretion of authorizing a matter of such importance as an invasion of Mexican territory. Under all the circumstances the only thing to do is to meet the facts as they arise and in case of an attack on a border town endangering American life and property keep the Department constantly and immediately advised of the development of the situation. Meanwhile you are authorized to make such military movements of the troops under your command as you deem necessary.

BRECKINRIDGE.

File No. 812.00/15543.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *July 26, 1915—noon.*

The Foreign Secretary informed me this morning that Naco had been evacuated by the military after establishing civil authorities; said he was not informed as to the movement on Nogales.

SILLIMAN.

File No. 812.00/15547.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 27, 1915—6 p. m.

Your July 26, noon. Inform Foreign Office that it was officially reported from Nogales July 24 that Calles camped night July 23 with about 2,000 men at Santa Barbara, eighteen miles east of Nogales, with outposts at Buena Vista, six miles south of Nogales water works. It is stated indications lead to belief that this force will attack Nogales in near future. Bring urgency of matter immediately to attention of Foreign Office, and remind it that owing to character of ground on which Nogales is built any attack would necessarily endanger American lives and property American side. Convey above in connection with telegrams sent you past few days, this subject.

LANSING.

File No. 812.00/15640.

Consul Simpich to the Secretary of State.

[Telegram.]

NOGALES, *August 4, 1915—2 p. m.*

Attack on Maytorena's outposts about Nogales has just begun. I saw Maytorena and delivered usual warning as to firing across line. He says he has taken offensive with artillery and can repel Carrancistas.

SIMPICH.

File No. 812.00/15657.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, TEXAS, *August 5, 1915—2 p. m.*

This morning General Villa handed me a message containing the following:

The attack on Nogales by Carrancistas yesterday was a direct violation of treaties signed by Maytorena and Calles through mediation of General Scott; Maytorena has been compelled to withdraw troops from Yaqui Valley, placing in jeopardy the lives of colonists in the valley; Villa declines any responsibility for what might happen unless our Government forces Carrancistas to respect said treaty.

CAROTHERS.

File No. 812.00/15640.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 5, 1915—11 p. m.

Department is informed Calles has commenced attack upon Nogales outposts. On account of extreme danger to American lives in Nogales, Arizona, this Government extremely solicitious about the safety its citizens there. Inform Carranza if there be firing across the line that the fire will be immediately returned by our forces along border. You may say further that the action of Calles is in direct violation of the agreement signed January 12 [11].

LANSING.

File No. 812.00/15640.

The Secretary of State to Consul Simpich.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 6, 1915—10 a. m.

Your August 4, 2 p. m. Endeavor inform Calles and Maytorena if there be firing across the line that the fire will be immediately

returned by our forces along border. American territory must be respected. You may say further that the attack upon outposts near Nogales by Calles is in direct violation of the agreement signed January 12 [11].

Silliman has been instructed make similar representations to Carranza.

LANSING.

File No. 812.00/15675.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *August 6, 1915—noon.*

Department's August 5, 11 p. m., delivered personally this morning. Secretary informed me that General Calles had been instructed not to endanger Americans or their interests.

SILLIMAN.

File No. 812.00/15687.

Consul Simpich to the Secretary of State.

[Telegram.]

NOGALES, *August 8, 1915—9 a. m.*

Referring Department's August 6th, 10 a. m., Calles replies:

In the attack which I made August 4 upon the enemy's outposts at Nogales no bullet crossed American territory and I can assure you that this danger will not exist in the future, since the firing of my troops is directed by the chiefs and officers and they have instructions to prevent injuries in foreign territory. With respect to the pact executed in January at Naco, this was nullified when Maytorena, failing in his promise, occupied Naco and made it his base of operations, opening it to international traffic against what was agreed upon. It is a rule generally accepted that obligations stipulated in a contract are binding on the contracting parties equally and that upon the failure of one of them in his promises the other is relieved of his. I entreat of you once more that all affairs of an international character be treated directly with the First Chief of the Constitutionalist Army charged with the Executive Power of the nation, of whom I am a subordinate.

CALLES.

Am reliably informed by Commanding Officer American forces Nogales that few projectiles fell on American side. No attack on Nogales since August 4.

SIMPICH.

File No. 812.00/15717.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *August 10, 1915—5 p. m.*

General Villa has authorized General Scott to treat in his name for an armistice of three months in order that all railroads be opened for traffic, troops of all factions remaining where they are; that he bring Zapata into the conferences as defending the same ideas as the

division of the north; that any faction refusing to treat on peace be cut off from obtaining elements of war by the United States.

If Scott could see Obregon, Pablo Gonzales and Zapata on these matters I am sure he could settle the whole problem. I would cheerfully accompany him anywhere.

CAROTHERS.

File No. 812.00/15887.

General Funston to the War Department.

FORT SAM HOUSTON, *August 10, 1915.*

* * * It is impossible for detachments of United States troops when pursuing a particular band of outlaws to determine whether they are all residents of the United States or whether all or some of them are armed marauding bands who have crossed the border into United States territory for the purpose of running off cattle and possibly other property.

This being the case, I have deemed it my duty to continue using military to pursue and capture these bandits and feel that under the circumstances I am fully meeting restrictions placed by statutes upon use of military in suppressing lawlessness within a State.

Any other course would render troops practically useless in suppressing lawlessness and would limit their activity to the duty of acting as guards for certain localities.

Up to the present time troops of my command have had three fights with bands of outlaws in all of which outlaws were aggressors.

FUNSTON.

File No. 812.00/15717.

The Secretary of State to General Scott.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 13, 1915—5 p. m.

The following is today being telegraphed to American Consulate General at Monterey:

Discreetly ascertain, if opportunity presents itself, whether General Obregon would be willing to meet General Scott at Laredo, Texas, or at Tampico, in a purely unofficial and informal conference regarding the future welfare of Mexico, but make no arrangements. Telegraph Department immediately when information received.

Perhaps you may be in position to arrange for a conference direct. If, so, Department suggests you make the attempt.

ROBERT LANSING.

File No. 812.00/15777.

The Acting Secretary of War to General Funston.

[Telegram.]

WAR DEPARTMENT,
Washington, August 16, 1915.

As you have doubtless ascertained from the press, the President is making an earnest effort to have the Mexican situation composed by

diplomatic means. Though not changing the nature of the orders heretofore given you nor abrogating the discretion imposed in you to use force if necessary to protect American life and property from Mexican assault from other side of the line, nevertheless the President wishes to impress upon you the necessity of exercising the greatest moderation and caution in the present juncture lest his plans of peaceful solution be nullified by the inception of an armed conflict on the border.

BRECKINRIDGE.

File No. 812.00/15795.

General Scott to the Secretary of State.

[Telegram.]

EL PASO, *August 17, 1915—2.40 p. m.*

Your telegram August 16 [13] received. Will await here notification from State Department of result of interview of Consul at San Luis Potosi with General Obregon and the consequent instructions. Please advise War Department.

SCOTT.

File No. 812.00/15864.

The Secretary of State to General Scott.

[Telegram.]

DEPARTMENT OF STATE,
Washington August 23, 1915—4 p. m.

Consul at San Luis Potosi telegraphs Obregon asserts he cannot go to Tampico or border unless ordered by First Chief.

ROBERT LANSING.

File No. 812.00/16075a.

The Secretary of State to Consul Johnson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 28, 1915—1 p. m.

American military commander on Texas border reports Mexican armed parties on Mexican side have fired on detachments United States troops every day since last Sunday. The most violent attacks have come from a point opposite Mercedes, Texas. One American soldier has been killed, one officer badly wounded, 3 soldiers wounded, and 2 horses killed as a result. Commander believed Mexican commander at Matamoros could easily stop those outrages if he so desired.

You are instructed to bring this situation to the attention of the appropriate authorities at Matamoros and urge them to take immediate action to prevent further firing across border, pointing out to them that this matter is so grave that it might easily lead to most serious consequences.

LANSING.

File No. 812.00/15956.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 28, 1915—1 p. m.

Following message August 27, just received from American military commander on Texas border:

Mexican armed parties on Mexican side have fired on detachments United States troops every day since last Sunday. With exception of firing at international bridge Brownsville, all other incidents of firing across river have occurred at Orin vicinity of Progreso Ferry opposite Mercedes, at which point Mexicans are entrenched firing American side. Casualties so far have been one soldier killed, one officer badly wounded, 3 soldiers wounded, 2 horses killed. Officer in command in Brownsville district reports this date he is convinced Carrancista soldiers are taking part disorders on border and that Carrancista commander of district of Matamoros either cannot or does not desire to control his men. Carrancista commander Matamoros could easily stop these outrages if he so desired. I fear that if something is not done to prevent our soldiers being fired on from Mexican side, serious international consequences may result. Mexican armed bands continue to cross river at various points going into interior, robbing and terrorizing American citizens. Carrancista commander Matamoros has taken pains to leave impression that these bands are deserters from his forces. It is noticed, however, that when pursued, they cross river and rejoin their commands. Situation appears to be gradually growing worse and unrest is extending all along border up to and including Del Rio.

You are instructed immediately to bring this situation to attention General Carranza, and urge him to take immediate action to prevent further firing across border, pointing out to him that this matter is so grave that it might easily lead to most serious consequences.

LANSING.

File No. 812.00/15952.

Special Agent Silliman to Secretary of State.

[Telegram.]

VERA CRUZ, *August 28, 1915—8 p. m.*

Department's August 28, 1 p. m. Foreign Office says strict orders have been given to military commander of zone and other generals to prevent any disorder on Mexican side. Asks same instructions on American side. Arredondo has been instructed to make representation.

SILLIMAN.

File No. 812.00/15950.

Vice Consul Puig to the Secretary of State.

[Telegrams.]

AMERICAN CONSULATE,
Brownsville, August 28, 1915—11.15 p. m.

Acting on reports of Commanding Officer Fort Brown yesterday personally called on Military Commander at Matamoros and re-

quested immediate action be taken to stop firing to American side. He insists everything possible being done with small numbers of men at his command, and complains that armed men at different points are constantly shooting to Mexican side and that a Mexican custom [omission] was seriously wounded on August 25, at a point 12 miles west of Matamoros. Complying with your telegram today again urging that they take immediate steps to prevent further firing across border.

E. J. PUIG.

File No. 812.00/15951.

AMERICAN CONSULATE,
Brownsville, August 29, 1915.

General Nafarrate, Commander of this district, personally called last night and assured me that he had given strict orders to his men to retire some distance from river front and disposed to assist in every way possible to prevent further trouble.

E. J. PUIG.

File No. 812.00/16002.

General Funston to the Secretary of War.

[Telegram—Extract.]

FORT SAM HOUSTON, TEXAS, *August 30, 1915.*

If an uprising should occur without sufficient troops to put it down it will mean the murder of hundreds of defenseless people, the destruction of millions of property and a loss of prestige. These things we cannot afford to risk. The measures I wish to take are largely those of prevention. If there is an adequate force on the ground no uprising will occur or if it does it can be easily put down. If I do not have an adequate force ready for instant use a single act of indiscretion by a subordinate commander on either side may start a conflagration that will extend along the entire border and result in an international crisis. Owing to the great preponderance of the Mexican over the American population all along the border, to the excitable character of the Mexicans and to the vengeful feeling that exists among Americans due to the recent outrages committed by Mexican band of raiders well known to have been composed partly of Mexican soldiers, the situation as I see it now is likely to give rise to such serious consequences that further delay is dangerous. A reference to my official reports and recommendations will show that I have heretofore been very conservative in regard to calling for more troops largely because I wished to avoid unnecessary expense. The time for economy has passed, more troops should be supplied regardless of expense, and whatever action it may be proposed to take should be taken at once.

FUNSTON.

File No. 812.00/16001.

The Confidential Agent of the Constitutionalist Government to the Secretary of State.

WASHINGTON, *September 1, 1915.*

MY DEAR MR. LANSING: I have the honor to bring to your excellency's attention the following telegram I have just received from

Mr. Acuña, Acting Secretary for Foreign Affairs of the Constitutionalist Government of Mexico:

VERACRUZ, *August 28, 1915.*

To the end that you may make such representations before the American Government as may be proper, I transmit hereby, the text of a telegram, dated yesterday, addressed to me by General Jacinto B. Treviño, reading as follows: "I am informed by General Nafarrate, at Matamoros, that American soldiers stationed on the other side of the river opened fire against our soldiers who are on this side of the Rio Grande, wounding two of them. I bring this to your attention in order that you may take such action as may be proper, with the understanding that I have directed that any firing from the other side should not be replied to by our soldiers, unless otherwise expressly instructed by this general headquarters.

ACUÑA.

I trust that your excellency will have the kindness to recommend such action as will result in the discontinuance of acts of this kind, which might lead into complications, especially at this time when there seem to be some disturbance on the American side of the border.

With assurance [etc.]

E. ARREDONDO.

File No. 812.00/16000.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *September 1, 1915—5 p. m.*

Department's Aug. 28, 1 p. m. border complications. My August 28, 8 p. m. Written reply received last night:

Circumstances sincerely deplored. In order to avoid repetition, orders have been given to refrain from anything that might cause friction with the United States; also for punishment of soldiers who expected to stone [storm?] American side; also that vigilance, vigilance, vigilance be redoubled in order to prevent disturbers of public order in Texas from taking refuge on the Mexican side. The First Chief hopes for a reciprocal attitude on the part of the Government of the United States giving notice that he is informed that two Mexican soldiers have been wounded by shots.

SILLIMAN.

File No. 812.00/16041.

The Confidential Agent of the Constitutionalist Government to the President.

WASHINGTON, *September 6, 1915.*

YOUR EXCELLECY: I have to day addressed his excellency Robert Lansing the following note, which is self-explanatory:

MY DEAR MR. LANSING: On account of the recent local press dispatches respecting the border disturbances in Texas and in consideration of the fact that the public is given to understand that some of the Constitutionalist soldiers have taken part in such disturbances, I issued a statement to the press yesterday, which they did not publish in full, and copy of which I attach hereto.

In the name of the Carranza Government, which I represent in this country, I must protest before your excellency against the insinuations of the press, which tend to mislead public opinion and embroil the situation, involving the army of Mr. Carranza in the border disturbances in Texas. I most emphatically deny such participation or in fact even any continuation or toleration on our part of any such disagreeable acts. General Nafarrate, chief of

the Matamoros garrison, has already offered his cooperation to the Texas authorities to the end of avoiding and suppressing such acts; but our efforts will not be altogether sufficient to quiet such agitation, for the simple reason that the promotors of these disturbances reside in Texas territory.

If the American Government carefully investigates the origin and real nature of these acts, as I have no doubt it is doing, it will be found that the Constitutionalists are not the authors of such stupid acts.

The Constitutionalist Army is devoting all of its energies to the pacification of Mexico and its only task now is to apply the "finishing touches" to the remnants of the Villa faction, in order to consecrate themselves later, as citizens, to assist Mr. Carranza in the reorganization of civil government and the reconstruction of the country; and it is absurd to suppose that in the execution of such a program they would attempt to embroil the country in international complications.

The American press in general and especially that of Washington, has been inventing all kinds of falsehoods and using every possible means to obstruct the work of Mr. Carranza and all those who cooperate with him in the civil strife of Mexico, which first began against oppression and which continues against the old reactionary enemies, often reaching a climax of insults and calumnies; and although this in itself is reproachable and unjust, it leaves room to suppose that it is due to carelessness and little scruples which the American press possesses, to accept and print any sensational news and which in this case usually comes from the enemies of the Constitutionalist Party; and now it is not only condemnable but grave and dangerous that the newspapers should impress upon the public mind the idea that Mr. Carranza or his followers endeavor to create a hostile sentiment towards the American people and bring about a conflict with the United States.

Unfortunately, it is not within our power to stop such work on the part of the press; moreover the difficult situation in which we find ourselves on account of there being no recognized government in Mexico from which may be derived a legal status so as to act in a legal capacity in the prosecution of such attacks, such conditions become more grave when we cannot even secure the impartiality of the press because they will not take our information even when it is official, or even the rectification of false reports in order that the public will be in possession of the true facts and thus form correct opinions.

On account of the foregoing obstacles and in view of the fact that I am unable to remedy such difficulties, in my extremity I find it necessary to direct this letter to your excellency in the hope that it will serve to inform the American Government, in my capacity as Representative of the Government of Mr. Carranza, that the insidious press dispatches referred to, which try to involve the Constitutionalists in the disturbances in Texas, are absolutely false and without any foundation, at the same time assuring you that we are the first to deplore such a state of affairs.

I trust that the wisdom and prudence of the American Government will triumph over the common enemy of our amicable international relations and I hope that the truth will soon be established.

I avail [etc.]

E. ARREDONDO.

[Subinclosure.]

BULLETIN.

SEPTEMBER 5, 1915.

Commenting on the reports in the press of today that some Carrancista deserters seem to be taking part in recent raids along the border, Mr. Arredondo, Confidential Agent of the Constitutionalist Government in this city, and authorized by it, emphatically denied these reports branding them as pure fakes, but he added that unfortunately the press did not go into the matter deep enough to ascertain the truth and indiscriminately accepted all alarming reports regardless of the source; that the enemies of the Constitutionalist Government and certain Texans, knowing this, availed themselves of the opportunity to put in circulation rumors of a sensational nature, tending always to prejudice the public against Mr. Carranza and his government. Mr. Arredondo said further, that he invited the press to withhold any opinion on the situation for a few days, when, he feels confident, the American Government will have satisfied itself as to the source of the present border disturbances. He also said that it

is untrue that General Nafarrete has ten thousand men stretched along the border; he has sent about two thousand men and no more, he added, and in so far as General Trevino is concerned, he yesterday defeated the Villistas at Icamole, near Monterrey, which proves that he is very far from the frontier.

I transmit the present note to Your Excellency in order that it may also come to your knowledge with the least possible delay, and I avail [etc.]

E. Arredondo.

File No. 812.00/16041.

The Secretary of State to the Confidential Agent of the Constitutionalist Government of Mexico.

Department of State,
Washington, September 10, 1915.

Sir: The Department acknowledges the receipt of your letter of September 6, 1915, addressed to the President, in regard to the insinuations of the press which, you say, involve the army of General Venustiano Carranza in the disturbances along the Texas border.

In reply I quote below, for such explanation as you may care to make in connection therewith, the substance of a telegram which General Frederick Funston sent to the Secretary of War under date of August 27, 1915:

Mexican armed parties on Mexican side have fired on detachments United States troops every day since last Sunday. With exception of firing at international bridge, Brownsville, all other incidents of firing across river have occurred at or in vicinity of Progreso ferry opposite Mercedes, at which point Mexicans are entrenched firing American side. Casualties so far have been one soldier killed, one officer badly wounded, three soldiers wounded, two horses killed. Officer in command in Brownsville district reports this date he is convinced Carrancista soldiers are taking part disorders on border and that Carrancista commander of district of Matamoros either can not or does not desire to control his men. Carrancista commander Matamoros could easily stop these outrages if he so desired. I fear that if something is not done to prevent our soldiers being fired on from Mexican side, serious international consequences may result. Mexican armed bands continue to cross river at various points going into interior, robbing and terrorizing American citizens. Carrancista commander Matamoros has taken pains to leave impression that these bands are deserters from his forces. It is noted, however, that when pursued they cross river and rejoin their commands. Situation appears to be gradually growing worse and unrest is extending all along border up to and including Del Rio.

According to another telegram from General Funston, dated September 4, quoting a message from Captain Frank McCoy, it appears that on the morning of September 4 a sheriff, certain rangers and civil officials were fired upon by about fifty Mexicans at Cavazos crossing. The telegram adds that on the night before these same Mexicans raided Ojodelagua, a small Mexican village on the American side of the international line. Captain McCoy's message concludes with the following statement:

Certain business men of Ojodelagua inform me that the band was made up of well-known smugglers and horse thieves with about six Carrancista soldiers. From the volleys fired today and the Mauser carbines used as well as Winchesters I would surmise that Carrancista soldiers were engaged. A detachment of Carrancistas has been stationed at Anzalduas, a small village on the railroad in sight of Cavazos Crossing.

It appears from telegrams received from General Funston that an American aeroplane has been repeatedly fired upon from the Mexican side of the line. The following is the substance of a telegram received from General Funston under date of September 4, 1915:

Following just received from Colonel Bullar, Brownsville: "Aeroplane now in air in vicinity of Brownsville has been fired on three separate times; some 100 shots in all were counted. It has been over United States territory all the time. Our outpost at international bridge and the one at Brownsville pumping-plant locate firing as coming from big bend in river just west of Brownsville, probably Mexican outpost, as the firing on aeroplane reported on September 1st was from same locality. The troops occupying south bank of river are Carrancistas. At same time that firing on aeroplane was going on our outpost at Brownsville pumping plant was fired on."

I am [etc.]

ROBERT LANSING.

File No. 812.00/16170.

The Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, September 13, 1915.

The Secretary of War presents his compliments to the Honorable The Secretary of State and has the honor to inclose herewith copy of a telegram received from General Funston, September 10, 1915, and a copy of a telegram sent to General Funston, September 11, 1915.

[Inclosure 1—Telegram—Extract.]

FORT SAM HOUSTON, TEXAS, *September 10, 1915.*

ADJUTANT GENERAL ARMY,
Washington, D. C.

664. If approved by War Department I propose to issue following order: incorporating [in cooperation?] with Customs authorities to prohibit the crossing of live stock from Mexico into the United States except at regular custom-houses; to prohibit the crossing of individuals of whatever age or sex except at licensed ferries and international bridges and to seize and turn over to immigration authorities all persons caught in the act of crossing at prohibited points; to establish at all licensed ferries and international bridges in cooperation with the immigration authorities a system of military examining posts under charge of officers who will be instructed to prevent the crossing from Mexico into the United States of all male persons capable of bearing arms who cannot satisfy the officer in charge and the immigration officers that their intentions in coming to the United States are legitimate; also to prohibit crossing into United States of any armed persons of any age or sex.

All officers and enlisted men on border patrol have been warned to avoid exposing themselves any more than absolutely necessary for the proper performance of their duties, thus reducing to the minimum the danger of drawing fire across the international boundary from irresponsible parties on Mexican side.

Instructions have already been given directing officers in command along the river to warn state rangers and sheriffs' posses to keep from international boundary except in cases where they may actually be in pursuit of marauding bands; also directing that where state and county officers and United States soldiers may be engaged together in repelling fire from Mexican side the senior military officer or soldier present will assume absolute control.

It is believed that with the force now at my command the enforcement of the above orders will in course of a short time largely reduce if not prevent the activities of armed bands who may be either marauding bands or outlaws and horse thieves from American side. It is well established that heretofore many individuals composing bandit bands who have given us so much trouble have been made up of persons crossing from Mexican side and getting arms from concealed stores on American side and then starting on prearranged raid. When pursued and hard pressed either by sheriffs' posses, rangers, or soldiers the bands have broken up and recrossed into Mexico.

Approval by wire of above instructions is requested.

FUNSTON.

[Inclosure 2—Telegram.]

SEPTEMBER 11, 1915.

COMMANDING GENERAL, SOUTHERN DEPARTMENT,
Fort Sam Houston, Texas.

579. Your 664 approved by Secretary of War. Work with civilian authorities and keep within the law.

McCAIN.

File No. 812.00/16188.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, September 15, 1915—3 p. m.

Raids into Arizona and thefts of American horses and cattle by bands of Mexicans are increasing. Raids are made by both Villa and Carranza troops, now camped near boundary. Calles refuses answer complaints, saying has orders Carranza hold no communication with Consuls. Maytorena apparently unable compel his subordinates to return animals stolen from American side, such animals being now sorely required by his army. More than thousand American soldiers now concentrated Nogales, Arizona, but understand they have orders leave policing of county to civil authorities. Result is Mexicans raid practically without opposition.

Respectfully urge that Department seriously consider giving military more authority with orders to station detachments at points on border east and west of Nogales. Driven by necessity, raiders growing bolder; and obviously civil authorities, lacking numbers and organization, cannot keep raiders out of Arizona or protect American property. Today Maytorenistas crossed border within four miles Nogales escaping with twenty American horses. Unless immediate adequate military action is taken possibly a situation may early develop not unlike that now existing all Texas border. This after conference with sheriff of Santa Cruz County, who says, if military does not patrol line to prevent depredations, he must organize civilian body for that purpose. Present situation is not critical but in my opinion may become serious unless military is given more authority.

SIMPICH.

File No. 812.00/16214.

General Funston to the Secretary of War.

FORT SAM HOUSTON, TEXAS,
No. 679.] *September 17, 1915.*

Following is substance report just received Colonel Blocksom, Brownsville:

About 10 this morning sheriff Vann telephoned that employee of Gonzales Diego, Spaniard living between Brownsville pumping plant and city, had been fired on by Mexicans other side and one horse killed.

I sent Lieut. Glass with 20 men to investigate. Shot was fired just as he arrived. Glass left detachment under cover and appeared on bank alone with hat in hand. He saw a man in civilian clothes fishing on Mexican bank and called to him. Man in reply to Glass' question said he had heard no firing. Man then went back to levee picked up rifle; four others appeared and all opened fire on Glass, no shots having yet been fired from our side. Glass got under cover and had men open fire. Mexicans reinforced by another squad. Consul Johnston at 12.15 informed me American soldiers were firing at Mexican soldiers but that Mexicans were not returning fire and asked me to stop it. I sent word to Glass withdraw but he had already done so and reached camp about one. Major Wolf 4th infantry was with detachment before firing occurred and saw fresh bullet holes in Diego's house made at time horse was shot. Mexicans had one man wounded three horses shot; no casualties our side.

Following 8 p. m. from Major Anderson, Harlingen:

About 2 p. m. today outpost at Red House Ferry one mile east Donna pump fired upon from Mexican side returned by our outposts of 10 men. Estimated 50 men other side and about 100 shots fired by each side but no casualties our side. Mexicans withdrew and none now seen. 2 troops nearly able to handle situation.

It is evident that attack at Brownsville was made by Carranza soldiers and that commander endeavored to make it appear our soldiers fired first.

FUNSTON.

File No. 812.00/16188.

The Acting Secretary of State to Consul Simpich.

DEPARTMENT OF STATE,
Washington, September 27, 1915.

SIR: The Department has received your telegram of September 15, 1915, in regard to raids made by bands of Mexicans into Arizona, and has forwarded a copy of the above telegram to the War Department for such action as may be deemed advisable.

For the Acting Secretary of State:

I am [etc.]

WILBUR J. CARR.

File No. 812.00/16329.

The Acting Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 1, 1915—7 p. m.

This Government is in possession of an affidavit that on the night of September 23 a Carrancista officer crossed the Rio Grande at Los

Pelados Crossing with a detachment of troops which had recently arrived from Matamoros and, landing on American soil, attacked a small detachment of American soldiers stationed at the crossing, killing two of them, one of them being first carried across and killed on the Mexican side. His ears and head were then cut off and his body thrown into the river. The horses and the arms captured from these soldiers were taken and held in the cuartel of the Carrancista soldiers a quarter of a mile distant from the crossing.

You are instructed to represent to the Carranza authorities that this matter is so serious, coupled as it is with many others of a similar nature, and in view of the fact that General Carranza claims to be in control of this entire district, that this Government can not view these outrages other than as acts in which the Carranza troops in that vicinity participate either because of instructions from headquarters or of their own volition. In either case the responsibility appears to rest upon General Carranza. A shipment of a carload of ammunition from Monterey to the small garrison of Matamoros on September 13, when the movement of supplies has invariably been from north to south, is a circumstance which has serious bearing on the case.

You will also say to the Carrancista authorities that this Government expects them immediately to issue orders which will definitely stop these reprehensible acts. Failure to issue effective orders will imply total lack of authority in a section long claimed to have been under the complete domination of the Carrancistas.

POLK.

File No. 812.00/16351.

Special Agent Belt to the Secretary of State.

[Telegrams.]

VERA CRUZ, *October 2, 1915—noon.*

Department's October 1 immediately taken up with Acting Secretary of Foreign Relations. He assured me he would at once see General Carranza and ask that he personally issue orders punishing these soldiers, and furthermore strict orders would be issued preventing in the future a recurrence of these acts. Impressed upon him the seriousness of the situation. He assured me that I would again hear from him this afternoon and asked that I convey the above information as preliminary to the Department. Will further advise Department today.

JOHN W. BELT.

File No. 812.00/16354.

VERA CRUZ, *October 3, 1915—noon.*

Department's October 1, 7 p. m.; my October 2, noon. Foreign Secretary was unable to secure denial Carranza's formal reply last night. This morning he stated he went to see the First Chief but missed seeing him. Would again this afternoon. That reply would surely be sent tomorrow. Stated that General Carranza was personally handling the case.

JOHN W. BELT.

File No. 812.00/16384.

VERA CRUZ, *October 5, 1915—noon.*

Formal reply just received, usual heading:

In due reply I have the honor to inform you that the First Chief has read with surprise the contents of the note referred to. Inasmuch as he has received no notice whatever referring to the acts mentioned by you, the First Chief has issued the necessary orders to the General in Chief of the zone to the end that with the greatest brevity possible he order the necessary investigation for the clearing up of this matter and that he render the information he may obtain, in order that the First Chief's headquarters may take proper measures for the severe punishment of those found guilty, if, unfortunately, this deed should be confirmed. I will thank you at the same time if you will communicate to the Department of State that the First Chief's headquarters deems unjustified the supposition that it could be even possible that it had ordered the commission of the acts referred to, especially since the Constitutionalist Government has given numerous and eloquent proofs of the sentiment which animates it in preserving the frank and harmonious friendship in its relations with the United States.

Usual closing.

JOHN W. BELT.

File No. 812.00/16406.

The Confidential Agent of the Constitutionalist Government to the Secretary of State.

WASHINGTON, *October 6, 1915.*

MY DEAR MR. LANSING: I am in receipt of a telegram from Mr. Carranza relative to the complaint made by the Department of State that a Constitutionalist officer crossed the Rio Grande at Los Pelados, on September 23 last, with a detachment and attacked a small garrison of American troops, with the result that two Americans were killed, one of whom was mutilated and killed on Mexican territory. In reply to the Department's complaint, Mr. Carranza advises me that he has asked for a report on the matter from the commander of the military zone, because he has no information of the occurrence and in order to take such action, in view of the report, as the case may require. Mr. Carranza directs me, furthermore, to make it clear before the Department that it would be unjust to presume that the acts hereinbefore mentioned, if it is true that they occurred, met with the acquiescence of the Constitutionalist Government. It would seem absurd for the First Chief to cause any friction between the two countries, inasmuch as he has shown by positive deeds his sentiments of frank cordiality towards the American Government. Ever since the beginning of the disturbances in the frontier and with the purpose of avoiding any difficulties, the First Chief has been dictating orders tending to suppress any friction between American and Mexican forces and has omitted no effort to attain the object sought.

With assurance [etc.]

E. ARREDONDO.

File No. 812.00/16001.

The Secretary of State to the Confidential Agent of the Constitutionalist Government.

DEPARTMENT OF STATE,
Washington, October 6, 1915.

SIR: Referring to your letter of September 1, 1915, in regard to a statement that American soldiers have been firing across the Rio Grande at Mexicans, the Department informs you that it is advised by the War Department that the commanding officer of the Southern Department and troops along the Mexican border reports as follows:

The firing complained of occurred at Progreso. An unlicensed ferry had been operated at the point and when marauding bands begun crossing the river into American territory a detachment of the 12th Cavalry was stationed there and ordered to prevent all crossing. In order to carry out their orders it was necessary to establish a patrol in the vicinity. This patrol was fired on by armed parties from the Mexican side on three successive days. Our patrols had to return the fire in order to prevent the detachment from being driven away from the crossing. The third attack was participated in by about 70 armed men, some of them evidently Carranza soldiers since 2 of the latter were wounded there. It was in repelling this attack that one soldier was killed and one officer and 3 soldiers were wounded.

Detachments of soldiers engaged in the performance of their prescribed duty of patrolling have been fired on at several other places along the river and in the city of Brownsville itself. In some cases the fire was not returned but in most cases it was returned because that was the only way by which the detachments could continue to carry out their orders.

In not a single case, however, have our detachments been the aggressors. They have returned the fire only in self-defense and firing has been stopped as soon as the object was accomplished.

All United States troops on border duty were instructed, in order to avoid the danger of drawing fire from the Mexican side, to locate their camps out of sight from the Mexican side and to avoid exposing themselves to view any more than was absolutely necessary to properly perform their duties.

General Nafarrate, the Mexican commander in Matamoros, has been requested on several occasions to cooperate with military authorities on the American side of the border, with a view to preventing the attacks on United States troops. He promised to do so but so far has failed to accomplish anything.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

File No. 812.00/16545.

The Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, October 22, 1915.

MY DEAR MR. SECRETARY: I have just received the enclosed telegram from General Funston and transmit it for your consideration. If consistent with your views, I recommend that action on the lines suggested by General Funston be taken by the Department of State as early as practicable.

Sincerely yours,

L. M. GARRISON.

[Inclosure—Extract.]

FORT SAM HOUSTON, *October 21, 1915.*

It becomes increasingly evident that we can expect no help from Carranza commander in Matamoros in preventing these raids. De la Rosa, who led attack on passenger train on 18th, was on streets of Reynosa yesterday morning and Carranza officials made no attempt to arrest him.

It is recommended that strong representations be made at once to General Carranza and that he be requested to give orders to commanding officer Matamoros district to break up bandit bands on Mexican side. If prompt measures are not then taken with that end in view, I recommend port of Brownsville be closed absolutely and that no intercourse across the Rio Grande be allowed at any point in Brownsville cavalry patrol district.

FUNSTON.

File No. 812.00/16545.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 23, 1915—7 p. m.

United States military authorities on Texas border complain against lack of vigorous efforts on the part of Mexican commander at Matamoros in preventing raids on American soil. They state that De la Rosa, who led attack on passenger train on 18th, was on streets of Reynosa on morning of 20th but that de facto authorities made no attempt to arrest him. Several Americans have been killed within the past few days as result of raids.

Immediately request Chief Executive to issue positive orders to commander at Matamoros to break up bands of bandits on Mexican side; also to arrest De la Rosa.

LANSING.

File No. 812.00/16666.

The Governor of Texas to the President.

[Telegram.]

AUSTIN, TEXAS, *October 27, 1915.*

Mexican border troubles are growing more serious. A number of soldiers and a State quarantine officer murdered in last few days by robber bandits crossing from their headquarters in Mexico opposite Brownsville, Texas. There appears to be a well organized band who make unexpected raids into Texas and murder, rob and terrorize our people and quickly retreat into Mexico where they are not molested. If you can see your way clear to urge upon General Carranza to take prompt and vigorous action to suppress the conditions herein described, I am sure the situation will soon be much relieved and your help will be much appreciated. I make this request after full conference with Commanding General Funston who is patriotically doing everything within his power to meet this grave situation. However, on account of having to respect the

border line, your army and our rangers find great difficulty in apprehending the invading bands who escape to Mexico. The cooperation of General Carranza is not only necessary for the protection of our citizens but the citizens of Mexico now residing in Texas.

Thanking you [etc.]

JAS. E. FERGUSON.

File No. 812.00/16654.

The Secretary of State to the Governor of Texas.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 30, 1915.

The Department of State would very greatly appreciate your cooperation, with the view of quieting border conditions in the district of Brownsville. The Department feels assured that a solicitous word from you to state and county officials in that district would prove most efficacious in allaying race prejudice and in restraining indiscreet conduct, which the Department believes would not be indulged in if the officials and residents of that portion of your state should realize the responsibilty they are unconsciously imposing upon the National Government by failure to give consideration to the seriousness of the situation.

The de facto government of Mexico has been urged immediately to increase its vigilance along that section of the border, so that the raids from its territory shall cease, and also to direct its officials and the residents in that district to eschew hostility toward Americans, to the end that peaceful and orderly conditions may prevail, to the mutual advantage of both countries and especially to that locality.

ROBERT LANSING.

File No. 812.00/16648.

Special Agent Silliman to the Secretary of State.

[Telegram—Extract.]

EAGLE PASS, *October 30, 1915.*

In a conference at San Antonio, General Funston expressed himself as particularly anxious regarding situation in Agua Prieta and the safe transportation of the Carranza troops; stated he had positive assurance that Villa intended to attack from American side; also felt so concerned that in addition to precautions already taken he expected to go to Douglas himself today. It can hardly be conceived that Villa would attempt an undertaking so rash and positively ruinous. Lower Rio Grande district continues to be extremely unsatisfactory. General Funston believes that if the two ringleaders can be caught disorders will cease.

SILLIMAN.

File No. 812.00/16665.

Special Agent Belt to the Secretary of State.

[Telegram—Extract.]

MONCLOVA, *November 1, 1915—9 p. m.*

Department's October 23, 7 p. m. Carranza states he will personally investigate situation; that he will remove from that section of the border any troops that may be inclined to instigate trouble, replacing them with soldiers to be relied upon. Submitted to him feasibility of using Mexican secret service with a view to discovering bandits causing the trouble. He stated he had considered this and would order the detective bureau to cooperate with the military authorities in effectively locating and punishing offenders. He assured me he had ordered the arrest of De la Rosa, also any other bandits discovered on Mexican side who had taken part in recent raids. Informed me had wired Governor of Texas direct in answer to his telegram. Unfortunately he has at present advisers who do not take into consideration importance of problems this Government is confronted with.

J. W. BELT.

File No. 812.00/16673.

Special Agent Carothers to the Secretary of State.

[Telegrams.]

DOUGLAS, *November 2, 1915—6 p. m.*

Villa has moved up more artillery. Desultory firing has already commenced. General Funston held short conference with Villa this morning.

CAROTHERS.

File No. 812.00/16672.

DOUGLAS, *November 2, 1915—10 p. m.*

Villa, repulsed last night, preparing for another attack this afternoon. Many bullets crossed line last night and several wounded on this side. Am convinced both sides exerting every effort not fire over boundary line.

CAROTHERS.

File No. 812.00/16664.

The Governor of Texas to the Secretary of State.

[Telegram.]

AUSTIN, TEXAS, *November 2, 1915—12.15 p. m.*

Replying to your favor October 30 beg to advise that you will receive my hearty cooperation along the lines suggested for quieting border conditions. Have given your telegram widespread advertisement and have asked the cooperation of everybody in carrying out the policy suggested by you.

Thanking you [etc.]

J. E. FERGUSON.

File No. 812.00/16689.

General Funston to The Adjutant General.

[Telegram.]

DOUGLAS, *November 2, 1915.*

Villa's troops made a serious attack on Agua Prieta about 1 a. m. lasting for 2 hours with great intensity; after that, intermittent artillery fire until about 4.30 a. m. Many bullets fell in United States territory resulting so far as known at present in wounding of 4 soldiers, 2 civilians. No fire was opened by United States troops for reasons as stated by General Davis, who was in command, that the losses were caused by infantry fire from the south and southwest and that it was absolutely impracticable to accomplish anything without crossing the boundary. While I believe that both sides are doing all in their power to prevent bullets falling in American territory I can not too strongly bring to attention War Department the fact well known to all officers familiar with situation that Agua Prieta cannot be attacked seriously without endangering the lives American soldiers and citizens and that it is absolutely impossible to stop or prevent such fire unless we have authority to cross international boundary and drive off the attacking Villa troops. Unless we have this authority in advance it will be too late when the necessity arises to prevent serious losses on American side. A message just received states Villa proposes to launch a determined attack as soon as a body 1,000 troops from Colonia Morelos arrives; head of column of reinforcements now in sight.

FUNSTON.

File No. 812.00/16665.

The Secretary of State to the Governor of Texas.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 3, 1915.

Your telegram October 27 to President. Department has received assurance from General Carranza that he will personally investigate border situation, and that he will remove from border any troops that may be inclined to instigate trouble, replacing them with reliable soldiers. Carranza promises to employ secret service to cooperate with military authorities in locating and punishing offenders. He has ordered the arrest of De la Rosa as well as other bandits who have taken part in recent raids.

ROBERT LANSING.

File No. 812.00/16755.

Special Agent Belt to the Secretary of State.

[Telegram—Extract.]

HERMANAS, *November 9, 1915.*

Foreign Secretary in conference this morning, when I brought up discussion of recent developments, border situation, stated this ques-

tion would be entirely settled when the Chief Executive reached Matamoros; that already arrangements had been made whereby American forces could pursue bandits for a distance of fifteen leagues into Mexican territory; and that Mexican soldiers would have a like privilege when in pursuit of bandit bands causing trouble. He further assured me orders had been issued for the Mexican Secret Service to assist the military authorities to locate and punish offenders operating in vicinity of the international boundary.

BELT.

File No. 812.00/16755.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 11, 1915.

Your November 9. This Department has no record of any arrangements having been agreed upon between this Government and the de facto Government of Mexico whereby American forces could pursue bandits into Mexican territory and Mexican forces could enter American territory for the same purpose during present border troubles.[63] If General Carranza is proceeding on this basis, discreetly call above to his attention.

LANSING.

File No. 812.00/16856.

Consul Simpich to the Secretary of State.

[Telegrams.]

AMERICAN CONSULATE,
Nogales, [undated; received November 26, 1915—3 p. m.]

At 11.45 Villa troops opened fire on American soldiers at Nogales. Our troops now returning fire.

SIMPICH.

File No. 812.00/16861.

AMERICAN CONSULATE,
Nogales, November 26, 1915—1 p. m.

Nogales occupied by Carrancistas. Order restored.

SIMPICH.

File No. 812.00/17022.

General Barnum to the Secretary of War.

[Telegram—Extract.]

FORT SAM HOUSTON, *December 21, 1915.*

Following received from General Pershing:

Squad of Mexicans appeared this afternoon half mile east of international bridge, deliberately fired towards American side, killing railroad car inspector.

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[63] Although without bearing on the point here at issue, it may be noted that the same general subject appears in the "Protocol of an Agreement concerning pursuit of Indians across the border," signed July 29, 1882, which expired August 18, 1883. It provided for "the reciprocal crossing of the international boundary line by the troops of the respective Governments in pursuit of savage Indians" under specified conditions.

There had been little firing and none toward American side. Am now covering whole river front, and troops have orders to vigorously return any deliberate firing from Mexican side.

BARNUM.

CLOSURE OF THE PORT OF PROGRESO.

File No. 612.1123/37a.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 24, 1915.

We are informed that General Carranza has closed the ports of Yucatan against the exportation of sisal. This is a very serious matter since Yucatan is the only source from which the manufacturers of this country secure material for binding-twine and this is the period of the year when the twine necessary for the coming summer must be manufactured. Please see Carranza at once and call his attention to the great embarrassment that the farmers of this country are likely to suffer if the shipment of sisal continues to be interfered with as it has been for nearly a month, and in addition to this emphasize the loss which is caused to the people of that country who derive so much revenue from the production of sisal. It is imperatively necessary that some arrangement be made by which this sisal can be released for export. We are informed that there are 200,000 bales now in Progreso awaiting shipment. Bring this to the attention of Douglas, Carranza's Washington attorney who is in Vera Cruz or will be there soon. It is difficult to overestimate the importance of this matter and you will therefore present it most urgently.

BRYAN.

File No. 612.1123/40.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

VERA CRUZ, *February 27, 1915.*

Department's February 24. Carranza informs me today that for the present he can not permit exportation of sisal from Progreso. He is unable to say when traffic with port may be resumed. Am informed that conferences are being now held regarding settlement certain differences. If agreement can not be reached, the port will be closed as a means of subjugating the district. The Government greatly desires prompt settlement on account of the revenue of port. Campeche is not affected.

SILLIMAN.

File No. 612.1123/50.

VERA CRUZ, *March 2, 1915.*

Conference entirely unsuccessful. Am informed this morning by Secretary of Foreign Relations that port is closed until further notice.

SILLIMAN.

File No. 612.1123/51.

VERA CRUZ, *March 2, 1915.*

Under Mexican law a port possessed by insurgents becomes automatically closed in so far as the government is concerned. Destruction of Mexican transport *Progreso* leaves port practically open. In view of present situation Captain Rogers of Delaware states that he will tonight order *Des Moines* to remain at [apparent omission] until Navy Department order otherwise.

SILLIMAN.

File No. 612.1123/56.

VERA CRUZ, *March 3, 1915.*

The First Chief informed me this morning that the *Bravo* went to Tampico instead of Progreso, but that two gunboats would be sent to latter place, as it the Government's determination to keep the port closed.

SILLIMAN.

File No. 612.1123/63a.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 8, 1915.

Binding-twine situation very critical. Unless sisal can be exported from Progreso in very short time, there will be shortage of binding-twine for harvest in this country and in countries for which we manufacture. Please present the matter most urgently to Carranza, securing Judge Douglas's assistance. See if some arrangement cannot be made whereby sisal can be exported and the price of same held in trust to be subjected to same action as could be taken in regard to the sisal itself. If Carranza is afraid that ships entering Progreso for sisal would carry food, this, too, might be arranged with American dealers who purchase sisal. Talk over situation fully with Carranza and secure agreement upon some plan whereby sisal can be exported at once. It is impossible to overestimate the urgency of the matter. If importation of sisal cannot be secured, price of binding twine will rise because of scarcity and a great and unnecessary burden will be imposed upon the entire farming section.

BRYAN.

File No. 612.1123/67.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 9, 1915.*

Department's March 8. Secretary of the Treasury thinks favorably of a plan which will, first, guarantee to the Carranza Government the export duty; second, guarantee that value of sisal would not be paid to shippers but might be held for their account until present differences are settled; third, a guaranty of no importation. Does Department consider the proposition practicable?

SILLIMAN.

File No. 612.1123/67.

The Secretary of State to Special Agent Silliman.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, March 10, 1915.

This Department will approve of an arrangement between American purchasers of sisal whereby the Carranza Government will receive an export duty on the sisal exported, the value of the sisal to be held in trust and subjected to the same rules that would be applied to the sisal if held in Yucatan. The contract between the Carranza Government and the purchasers of the sisal can also include a provision that the boats going to Yucatan for the sisal shall discharge no goods at blockaded ports, the Carranza Government in return to permit the export of the sisal on hand. We are very much gratified to learn that such arrangement is possible. It will greatly relieve our manufacturers of binding-twine as well as our great agricultural interests.

BRYAN.

File No. 612.1123/90a.

DEPARTMENT OF STATE,
Washington, March 11, 1915.

Since sending our March 10, an American dealer recently from Yucatan has called at the Department. He says that the demand for food is so urgent he fears the natives will not sell their sisal unless they are allowed to import food. Could food be exempted from embargo? It is also reported that people of Yucatan are anxious to support Carranza's Government but oppose Governor Santos on account of immoralities and outrages perpetrated on women or threatened.

Information about food and protest against Governor are sent you for your own information in dealing with situation. They need not be brought to attention of Carranza except when necessary for solving of problems. Need for sisal grows more imperative every day.

BRYAN.

File No. 612.1123/107.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 12, 1915.*

Department's March 11. We understand several vessels have loaded sisal at Progreso. During the last few days the blockade has not been effective. If Carranza gets possession as he expects, situation will be relieved; otherwise the plan under consideration appears impracticable. I can see nothing but trying to deal with a firm determination on the part of Carranza to keep the port closed.

SILLIMAN.

File No. 612.1123/119a.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 13, 1915.

You will please call upon General Carranza and present a request that he recall his order blockading the port of Progreso. If the request, respectfully and earnestly presented, is not sufficient to induce him to recall the order, you may say to him that in case the order is not recalled, the President will feel constrained to instruct our naval officers at Progreso to prevent any interference with our commerce to and from the port. In case you are obliged to communicate the President's intentions, explain to Carranza that this is done in the interest of peace and amity between the two countries and with no wish or intention to interfere with the internal affairs of Mexico, which we shall carefully avoid. In case he enters into a discussion of the matter you may, upon your own initiative and not as if under direction from us, remind him that when Huerta attempted to blockade Tampico this Government informed Huerta that it could not allow the interruption of commerce at Tampico. The Constitutionalists approved this action.

BRYAN.

File No. 612.1123/121.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

VERA CRUZ, *March 15, 1915.*

Department's March 13. In a long conference with the First Chief, at which the Secretary of Foreign Relations, Secretary of Treasury, Secretary of Gobernacion, and Mr. Belt were present, General Carranza finally said that he would accede to the wish of the American Government and recall his order closing the port of Progreso. I was not obliged to communicate in any way the President's intentions.

SILLIMAN.

File No. 612.1123/129.

MOBILE, ALABAMA [*received March 16, 1915*].

In the conference yesterday the terms "closed port and open port" were used instead of the term "blockade". Therefore it is understood that in view of General Carranza's order closing the port his agreement yesterday to annul that order means that Mexican consuls will now be authorized to clear vessels for Progreso. An interesting feature of the discussion, in which Cabrera was the spokesman, was the point made by Carranza himself that in his opinion a request from the British Government to the American Government during our civil war to discontinue its blockade of New Orleans because British manufacturers needed the cotton would be an appropriate comparison.

SILLIMAN.

TRANSPORTATION OF WOUNDED MEXICAN SOLDIERS THROUGH UNITED STATES TERRITORY; ATTITUDE OF THE UNITED STATES.

File No. 812.00/14592.

Consul Garrett to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nuevo Laredo, March 14, 1915.

General Ricaut informed me this morning that he will probably be forced to evacuate this city before many days and asked me to request permission from the Department to cross his wounded and take them by railroad through American territory to Matamoros.

GARRETT.

File No. 812.00/14616.

The Secretary of State to the Governor of Texas.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 18, 1915.

General Ricaut, Nuevo Laredo, requests permission to transport over Texas territory wounded soldiers to Matamoros. Please telegraph whether the State of Texas agrees to their transportation over Texas soil from Nuevo Laredo.

W. J. BRYAN.

File No. 812.00/14636.

The Governor of Texas to the Secretary of State.

[Telegram.]

AUSTIN, *March 19, 1915.*

Answering your telegram 18th instant concerning transportation of wounded soldiers over Texas soil to Matamoros from Nueva Laredo, beg to advise it will be agreeable to State of Texas to extend this permission.

JAS. E. FERGUSON.

File No. 812.00/14592.

The Secretary of State to Consul Garrett.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 20, 1915.

Your March 14, 8 p. m. State of Texas having consented, permission is hereby granted General Ricaut to transport wounded soldiers to Matamoros. Cost of transportation over Texas soil and other expenses to be borne by General Ricaut.

BRYAN.

File No. 812.00/14592.

The Secretary of State to the Secretary of War.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 20, 1915.

Department is today sending following telegram to Consul at Nuevo Laredo:

State of Texas having consented, permission is hereby granted General Ricaut to transport wounded soldiers to Matamoros. Cost of transportation over Texas soil and other expenses to be borne by General Ricaut.

Please instruct the military authorities at Laredo to take suitable action in the premises.

W. J. BRYAN.

File No. 812.00/14739.

Consul Garrett to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nuevo Laredo, March 30, 1915—11 a. m.

General Ricaut has twenty-nine wounded whom he desires to send through Texas to Matamoros today. Has not yet availed himself of permission given in your March 20, 4 p. m. Can wounded be moved on former order, with battle on at Matamoros?

GARRETT.

File No. 812.00/14747.

General Funston to The Adjutant General.

[Telegram.]

BROWNSVILLE, TEXAS, *March 30, 1915—2.45 p. m.*

425–A. Commanding Officer Laredo, Texas, reports today that Mexican Commander, Nuevo Laredo, after having had authority for eight days to send his wounded to Laredo, now desires to send fifteen men to Matamoros. In view of the fact that Matamoros is now being attacked by Villa troops and that Nuevo Laredo will probably soon be attacked also, I have given orders to Commanding Officer, Laredo, not to permit any wounded to be sent to our side of border from Nuevo Laredo till further orders. If sent over now they would probably become a public charge for an indefinite time.

FUNSTON.

File No. 812.00/14739.

The Secretary of State to Consul Garrett.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 31, 1915—5 p. m.

Account situation Matamoros, permission withdrawn.

BRYAN.

APPLICATION FOR THE EXTRADITION OF GENERAL HUERTA.

File No. 812.001H87/10.

Consul General Hurst to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL,
Barcelona, April 8, 1915.

Spanish line Company Transatlantic steamer *Antonio Lopez* due New York April 12 with General Huerta on board.

HURST.

File No. 812.001H87/11.

The Confidential Agent of the Provisional (Conventionist) Government of Mexico to the Secretary of State.

WASHINGTON, *April 10, 1915.*

EXCELLENCY: The undersigned, Confidential Agent of the Provisional Government of Mexico, presents his respectful compliments to his excellency, William Jennings Bryan, Secretary of State of the United States, and begs to invite attention to the current report that General Victoriano Huerta is about to land from the Spanish steamer *Antonio Lopez* at the port of New York.

The career of General Huerta in Mexico is too well known to Mr. Bryan to require any exposition on the part of the undersigned, who, however, has the honor to state that, in view of the present activities of the supporters and adherents of Huerta in the American border states, the Provisional Government would view with grave concern the initiation by him, within their jurisdiction, of a movement intended to provoke further armed resistance to the efforts of that Government to restore a régime of law and order throughout the Republic.

Confident that the policy of the United States will ever tend towards relieving his Government from the apprehension which it might justly feel under the circumstances narrated, the undersigned avails [etc.]

ENRIQUE C. LLORENTE.

File No. 812.001H87/11.

The Secretary of State to the Attorney General.

DEPARTMENT OF STATE,
Washington, April 14, 1915.

SIR: I have the honor to enclose herewith for your information a copy of a communication from Enrique Llorente, expressing apprehension lest General Victoriano Huerta, who it is stated was about to land from the Spanish steamer *Lopez* at the port of New York, may use the territory of the United States to provoke further armed resistance in Mexico.

I have [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 812.001H87/13.

NOTE.—Many protests were made to the President and to the Secretary of State by Mexican consular and military officers of both the Conventionist and the Constitutionalist factions against the landing of General Huerta, most of them adding a request for his detention, in some instances with the further request that he be delivered to Mexican authorities for trial.

File No. 812.001H87/20.

Collector Cobb to the Secretary of State.

[Telegram.]

EL PASO, *June 26, 1915.*

Associated Press correspondent advises me of private information that Huerta left Kansas City last night on Rock Island. His train reaches El Paso June 27, 6.30 a. m.

COBB.

File No. 812.001H87/20.

The Secretary of State to Collector Cobb.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 26, 1915.

Advise immediately and cooperate with El Paso representative Department of Justice.

LANSING.

File No. 812.001H87/21.

Collector Cobb to the Secretary of State.

[Telegrams.]

EL PASO, *June 27, 1915.*

Generals Huerta and Orozco are now in Federal building. Agent Department of Justice, Beckham, has received instructions to detain them. Prior to the receipt of these instructions, by reason of your June 26 and urgency of situation, I insisted upon course pursued and assumed responsibility therefor. Late last night I learned through railroad of Huerta's plans to leave train at Newman Station, twenty miles north of El Paso. With Beckham, District Clerk, two deputy marshals, and Colonel G. H. Morgan accompanied by twenty-five soldiers that he carried to prevent disorder or any attempt at interference, we went to Newman Station this morning and found Orozco and Huerta's son-in-law awaiting train. We had prepared warrants to use if necessary, but found it unnecessary. Beckham invited Huerta and Orozco to accompany us to Federal building without arrest, which they did. Without display, we have treated them with consideration and every proper courtesy. Huerta is suave though Orozco is not suave. I am sure they had revolutionary

plans and that the action here has been both right and timely. While I assume full responsibility for the course taken, I respectfully suggest and recommend that both Colonel Morgan and Mr. Beckham be commended by their respective departments for the discretion shown by them.

COBB.

File No. 812.001H87/18.

EL PASO, *June 27, 1915.*

At request Mayor, El Paso, Huerta and Orozco were removed Fort Bliss, where the military authorities are permitting them to be held upon the responsibility of the Department of Justice. Huerta and Orozco were cheered vigorously by crowd Mexican refugees and sympathizers on street as they left Federal building. Huerta thanked me cordially for courteous treatment given him. * * *

COBB.

File No. 812.001H87/21.

The Acting Secretary of State to Collector Cobb.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 21, 1915.

The Department appreciates your prompt, efficient action.

OSBORNE.

File No. 812.001H87/24.

The Governor of Texas to the Secretary of State.

[Telegram.]

AUSTIN, TEXAS, *June 30, 1915.*

I am in receipt of the following telegram:

CHIHUAHUA, MEXICO, *June 29, 1915.*

In my capacity as Governor of the State of Chihuahua, Republic of Mexico, same being a frontier State of the said Republic of Mexico adjacent to and adjoining the State of Texas, United States of America, and I being the chief civil authority of said State of Chihuhua, hereby inform Your Excellency that warrants have been issued and formal complaints and legal documents have been filed by and before the Juzgado Segundo de lo Penal, sitting in the City of Chihuahua, the capital of the State of Chihuahua, the same being the court of competent jurisdiction in such case for the apprehension, arrest and detention of Victoriano Huerta, a fugitive criminal charged with the crimes of murder and conspiracy to murder committed in the said State of Chihuahua, and requisition is about to be made for his surrender, accompanied by such warrants, complaints and duly certified and authenticated copies of depositions in support of such charges; and I respectfully request the provisional arrest of said fugitive in accordance with the laws and treaties in such cases provided. I further represent to Your Excellency that I am the chief military officer in command of the State of Chihuahua.

GENERAL FIDEL AVILA.

To which I have replied:

I have received your courteous telegram of June 29 advising that warrants have been issued and complaints filed in your court of competent jurisdiction for apprehension, arrest and detention of Victoriano Huerta for the surrender

of whom requisition will be made. I am also in receipt this morning of telegram from Diaz Lombardo, Minister of Foreign Affairs, Convention Government, advising that Attorney Gunther Lessing of El Paso will lay before me Your Excellency's position in the matter. Upon arrival of your attorney with documents I shall be glad to receive and consider the matter.

Also:

EL PASO, TEXAS, *June 29, 1915.*

Attorney Gunther Lessing of El Paso leaves tonight to lay before Your Excellency our position in matter about which Governor Avila telegraphed you to-day. Mr. Lessing has our full confidence and authority.

DIAZ LOMBARDO.

To which I made reply as follows:

Your night-letter of June 29 received and also telegram from General Avila, Governor of Chihuahua. Upon arrival of Attorney Lessing with documents I shall be glad to receive and consider the matter.

I have no intention or disposition to do anything in this matter until I have the advice and suggestions of your Department. Please advise me at your earliest convenience.

JAMES E. FERGUSON,
Governor of Texas.

File No. 812.00H87/25.

Collector Cobb to the Secretary of State.

[Telegram.]

EL PASO, *June 30, 1915.*

Trial Huerta and others postponed until July 12. When Huerta left Federal building there was repetition of scene of June 27; he was given an ovation by his partisans who are assembled in El Paso.

COBB.

File No. 812.001H87/33.

The Confidential Agent of the Constitutionalist Government of Mexico to the Secretary of State.

[Extract.]

WASHINGTON, *July 1, 1915.*

MR. SECRETARY: [Review of the overthrow of Madero and the assumption of power by Huerta; the overthrow of Huerta by the Constitutionalist Party led by Carranza; charges Generals Mondragon, Blanquet, Reyes and Felix Diaz with planning the overthrow of Madero, and Huerta with the execution of the plan; charges Huerta with ordering the murder of President Madero and Vice President Pino Suárez; refers to Huerta's public declaration of his intention to reside in the United States, his conferences in New York with Mondragon, Blanquet, Felix Diaz and others for the purpose of planning a new revolutionary movement against Mexico.]

The Department of Justice of the United States has been able to catch Huerta, accompanied by members of his family, on the banks of the Rio Grande, at the time in which, guided by Pascual Orozco, he was on his way to invade Mexican territory to continue disturbing order in that country and give occasion for prolonging the civil war.

The Government of my country having been informed of these events and being fully convinced that the purposes of Huerta, Blanquet, Mondragon and Felix Diaz are no other than to lead a new revolution into Mexico, which will undoubtedly result in greater evils and complications for both countries, and with a view to punishing in accordance with our laws and as demanded by Mexico's indignant conscience those who forced the Mexican people to resort to arms, has directed me through the Department of Foreign Affairs to request, as I now have the honor to do, that your excellency's Government kindly place Victoriano Huerta at the disposal of the Mexican authorities and order the detention of Generals Felix Diaz, Manuel Mondragon and Aurelio Blanquet, to the end that they be taken into Mexico, where the crimes they are charged with occurred and where they should be tried in accordance with the law.

* * * The principal charge made against Victoriano Huerta is contained in Article 2, Section 1, of the Extradition Treaty of February 1899, in force between the United Mexican States and the United States of America, and expressly defined in the final part of Article 7 of the same treaty as not of a political character.[64]

The natural desire of my Government to punish the guilty parties has not been decreased by the circumstance of its not having so far been recognized as a perfectly established government, on account of the strife which is still raging in Mexico against the remnants of the reactionary elements. This very same circumstance may serve as an excuse for the non-compliance of the requisites and formalities [sic] which in normal conditions should attend every request for extradition. But even if, because of the absence of recognition, it may be thought that the above-mentioned extradition treaty may be accidentally in suspense, some allowance should be made for the indignation felt by the Mexican people due to the offense made to its dignity and the attack upon its conservation; and, because of the gravity and far-reaching significance of the crimes committed by Huerta against the integrity of the Mexican Government, this application seems justifiable, since the violations of the natural and immutable laws of human conscience must at all times and in all civilized nations fall under the discipline of the penal law.

Moreover, it [is] a well-established and sanctioned by practice principle of international law that the changes and internal disturbance of a sovereign state have no decisive influence upon its international consideration; they do not exempt it from any obligation, nor deprive it of its rights within the province of foreign relations; and in the present case our application is just, legally sound and emanates from a real government from the point of view of international law, and one controlling and exercising authority nearly over the entire Mexican Republic, which still holds its unity, its identity and its sovereignty, and whose international relations were interrupted only because of the usurpation of Huerta.

The surrender of Huerta by the American Government to the Constitutionalist Government presided [over] by Mr. Carranza would be in keeping with international usage and provided by an extradi-

[64] Section 1 of Article 2 of the treaty reads: "1. Murder, comprehending the crimes known as parricide, assassination, poisoning and infanticide." The final part of Article 7 reads: "An attempt against the life of the head of the Government shall not be considered a political offense."

tion treaty between the two countries; and would signalize, moreover, the moral justification of the policy of the Government represented by the Honorable Woodrow Wilson with regard to the Mexican situation, who first declined to recognize Huerta as the Chief Executive of Mexico, and now, that the latter has sought an asylum in American territory as a fugitive of Mexican justice, would [sic] deliver him to the government he betrayed, in order that he may be tried according to law.

This would be an act which would set in relief the loftiness of American justice and a proof to Europe of America's high sense of morality.

I trust that this application may be accepted in the spirit hereinbefore set forth and I confide in the eternal principles of justice and the welfare of the community, guiding the life and development of this great country, worthily represented by an honest administration, that the request of my Government may be granted.

I avail [etc.]

E. ARREDONDO.

File No. 812.001H87/29.

The Attorney for the Conventionist Government of Mexico to the Secretary of State.

[Telegram.]

AUSTIN, TEXAS, *July 2, 1915.*

Matter extradition Huerta. I have submitted our position to Governor Ferguson that, under Article 5 of the treaty, defendant need not be delivered until after pending neutrality charges disposed [of] or in any event would not insist on delivery until time satisfactory United States. Believe extradition only effective method stop using El Paso revolutionary plots, because bonds will not detain. Our desire is prevent attack Juarez, so bullets will not strike El Paso. Treaty undoubtedly did not contemplate that, event of war, criminals should be permitted cross border and remain immune. Language of Article 9 undoubtedly had this intention and either country has right to secure detention criminals. Call attention fact many criminals delivered United States in past, and if treaty dormant during revolution, would mean criminals from United States just as immune in Mexico as Mexican criminals in this country.

GUNTHER R. LESSING.

File No. 812.001H87/31.

The Acting Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, July 2, 1915.

MY DEAR MR. SECRETARY: In accordance with the understanding arrived at in our telephone conversation of last night, the following telegram was sent to General Funston, Commanding General of the Southern Department:

Secretary of War directs that until further orders you prevent Victoriano Huerta from crossing boundary into Mexico. Acknowledge.

Sincerely yours,

HENRY BRECKINRIDGE.

File No. 812.001H87/34.

Collector Cobb to the Secretary of State.

[Telegram—Extract.]

EL PASO, *July 3, 1915.*

Huerta, after arrest to-day on second complaint, failed to give $15,000 bond, which he could have easily given, and has been sent to county jail.

COBB.

File No. 812.001H87/40.

The Confidential Agent of the Provisional Government of Mexico to the Secretary of State.

WASHINGTON, *July 3, 1915.*

EXCELLENCY: In reference to the request of the Governor of the State of Chihuahua, addressed to the Governor of Texas, for the arrest and detention of Victoriano Huerta, a Mexican citizen, now sojourning at El Paso, Texas, for the crime of murder, with a view to his extradition under the Treaty of April 24, 1899, I am instructed by Mr. Diaz Lombardo to state that the Provisional Government of Mexico will, in event of the surrender of the accused to the Chihuahua State authorities, guarantee to him a fair and impartial trial by a duly constituted civil tribunal of competent jurisdiction.

In any event, my Government entertains the hope that the Governor of Texas will find in the precedent by the arrest and detention of Castillo Brito by the United States authorities in 1913, pursuant to the request of the so-called government at that time in control of Mexico City, a sufficient justification for holding Huerta until the question of our right to procure his extradition, by means entirely lawful, can be properly determined.

Please accept [etc.]

ENRIQUE C. LLORENTE.

File No. 812.001H87/37.

Collector Cobb to the Secretary of State.

[Telegram.]

EL PASO, *July 5, 1915.*

Political conditions here generally continue to be the same as have been reported. Huerta expects to give bond the morning of July 6. He could give bond any time, as he has sufficient cash here. He is remaining in jail for political effect with Mexican people. New revolution seems to be going ahead; their partisans claim that Sonora

is already for them and that they will have Juarez this week. Have conferred with District Attorney Camp. We agree that detention of Huerta without bond and his removal from border is urgently necessary. That would tend to break the spirit of the movement. Pinkney of the Department of Justice thinks Iturbide is here; the movement is very thorough and strong. If Immigration authorities could take Huerta, remove him from here and hold him without bond, it is possible that Huerta could be induced to return to Europe voluntarily, if Washington so desires.

COBB.

File No. 812.001H87/24.

The Secretary of State to the Governor of Texas.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 7, 1915.

Your telegram June 30. Department considers that extradition would be unwise at this time owing to the well-known conditions which exist throughout the Republic of Mexico, the probable doubt as to the political character of the crimes charged, the lack of orderly machinery of justice by which a fair trial could be expected, and the possibility that accomplices in Mexico may take this means of obtaining the release and return of their leader.

ROBERT LANSING.

File No. 812.001H87/44.

The Secretary of State to Collector Cobb.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 9, 1915.

Your July 3 and July 5. Proceedings in connection with General Huerta being handled at present entirely by Department of Justice.

ROBERT LANSING.

File No. 812.001H87/45.

Collector Cobb to the Secretary of State.

[Telegram.]

EL PASO, *July 9, 1915.*

Upon advice of counsel and with his full agreement, Huerta has just waived preliminary hearing and is to go to Fort Bliss, where he is to be held by the Marshal without bond until December court at San Antonio. District Attorney Camp and Assistant Crawford are entitled to high credit for the discreet, tactful and efficient

management of the case. This solves the problem unless Huerta should attempt to direct activity from Fort Bliss, which Marshal is instructed to prevent.

COBB.

File No. 812.001H87/33.

The Secretary of State to the Confidential Agent of the Constitutionalist Government of Mexico.

DEPARTMENT OF STATE,
Washington, July 10, 1915.

SIR: The Department has received your letter of July 1, in which, by direction of the so-called Constitutionalist Government of Mexico, you request the extradition of General Victoriano Huerta and the detention of Messrs. Felix Diaz, Manuel Mondragon and Aurelio Blanquet with a view to their extradition.

In reply you are informed that, owing to the absence of a recognized Federal Government in Mexico and the well-known conditions existing throughout the Republic, the Department must decline to comply with the request for the extradition of General Huerta.

I am [etc.]

For the Secretary of State:
CONE JOHNSON.

File No. 812.001H87/29.

The Secretary of State to the Attorney for the Conventionist Government of Mexico.

DEPARTMENT OF STATE,
Washington, July 10, 1915.

SIR: The Department has received your telegram of July 2, in regard to the requisition for the extradition of General Victoriano Huerta addressed by General Fidel Avila, Governor of Chihuahua, to the Honorable James E. Ferguson, Governor of Texas.

I am [etc.]

For the Secretary of State:
CONE JOHNSON.

File No. 812.001H87/40.

The Secretary of State to the Confidential Agent of the Provisional Government of Mexico.

DEPARTMENT OF STATE,
Washington, July 10, 1915.

SIR: The Department has received your letter of July 3, in relation to the desired extradition of General Victoriano Huerta.

I am [etc.]

ROBERT LANSING.

CLAIMS OF AMERICAN CITIZENS AGAINST MEXICO FOR DAMAGES ARISING FROM REVOLUTIONARY DISTURBANCES.[65]

File No. 412.00/38.

The Confidential Agent of the Conventionist Government to the Secretary of State.

CONFIDENTIAL AGENCY OF THE
PROVISIONAL GOVERNMENT OF MEXICO,
Washington, September 22, 1915.

EXCELLENCY: The Conventionist Government, which I have the honor to represent, having knowledge of the promises made by Mr. Venustiano Carranza regarding the settlement of claims to be presented by foreign governments for damages incurred in the lives and property of their respective nationals during the period of civil war through which the Republic of Mexico has been passing, believes it pertinent to state, and I do respectfully so state in accordance with instuctions received therefrom, that in conformity with Section viii, Article 72 of our Federal Constitution, it is incumbent exclusively upon our Federal Congress to acknowledge and order the payment of national debts. Wherefore, any obligation, even though of a moral nature, entered into by Mr. Carranza, who lacks authorization to represent the country, even in the capacity of simple Executive, would lack validity, and the claims be indefinitely postponed, since the preconstitutional period which the Carranza faction deems necessary in order that the revolutionary reforms may be carried into effect, is likewise indefinite.

The Conventionist Government, conscious of the international obligations of the Republic, admits and accepts as a fact the settlement of the said claims, but considers it necessary to restore previously and without loss of time the constitutional order, among other reasons, so that it may proceed in compliance with our laws to an immediate examination of the said claims.

I have [etc.]

ENRIQUE C. LLORENTE.

File No. 412.00/38.

The Secretary of State to the Confidential Agent of the Conventionist Government.

DEPARTMENT OF STATE,
Washington, October 5, 1915.

SIR: The Department acknowledges the receipt of your communication of September 22, 1915, regarding the settlement of claims to be presented by foreign governments for damages incurred in the lives and property of their respective nationals during the period of civil war in Mexico.

I am [etc.]

For the Secretary of State:
FRED K. NIELSEN.

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[65] Continued from For. Rel. 1914, pp. 655–656.

PROTECTION OF AMERICAN CITIZENS AND INTERESTS. WITHDRAWAL OF AMERICANS FROM MEXICO.[66]

NOTE.—In the absence of diplomatic relations between the two countries, the Government of the United States continued the practice observed in 1914 of instructing its consuls and special representatives, where action in behalf of American citizens was necessary, to make representations to the civil or the military chief in control in his district. Such action was taken in hundreds of cases, many of which involved the protection not only of citizens of the United States but also other foreigners. In the majority of the cases the representations were requests for the cessation of the abuses stated or for protection against threatened danger, eliciting only routine replies. The case of the Los Mochis colony of Americans, however, involves more than perfunctory responses, and extracts from that voluminous correspondence are here given; and the case of John B. McManus appears under another heading. In the cases involving protection of foreigners other than Americans, above mentioned, none but routine relations with their respective governments appear to have existed, except as shown under the heading, "Protection by the United States of British [etc.] interests in Mexico."

Where the danger of remaining was considered unavoidable, this Government repeated its advice of previous years, to leave Mexico. Instances of such advice are the following telegrams: to the American Embassy, March 2, 1912 (For. Rel. 1912, p. 731); to the American Consul General, Mexico City, August 27, 1913 (For. Rel. 1913, p. 827); to American consular officers in Mexico, August 27, 1913 (Id. 895); to all American consulates in Mexico, April 20, 1914 (For. Rel. 1914, p. 670); to all American consuls in Mexico, April 22, 1914 (Id. 671). Repetition of this advice during 1915 occurs, infra, under the dates September 11 and October 9.

File No. 312.11/6615a–d.

The Secretary of State to certain American Consuls.[67]

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 11, 1915.

In view of particularly dangerous conditions arising from revolutionary crisis, as a precautionary measure it is of the utmost importance that you induce all Americans, and incidentally other foreigners, in your district to leave Mexico without any delay whatsoever. Disseminate this advice as thoroughly and quietly as possible, requesting discretion of parties informed. Where necessary, employ dependable messengers to reach Americans at isolated points.

After the foregoing instruction has been executed, you will, if local conditions endanger your safety, proceed United States, bringing code, confidential archives and accounts, and closing and sealing consular property.

LANSING.

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[66] Continued from For. Rel. 1914, pp. 668–690. See also, post, Murder of John B. McManus.

[67] Sent to Chihuahua, Ciudad Juárez, Hermosillo, Nogales, Torreón and Guaymas.

File No. 312.11/6801a.

The Secretary of State to certain American Consuls.[68]

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 9, 1915.

Advise confidentially all Americans in your district to leave Sonora for border. If you should be in personal danger after compliance with these instructions, you are authoried to close your office and come to the United States.

LANSING.

File No. 312.11/6801b.

The Secretary of State to Mr. Parker, representing American interests.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 9, 1915.

93. Advise confidentially all Americans in Zapata territory to withdraw immediately. You may employ messengers to carry out this instruction.

LANSING.

File No. 312.11/6801c.

The Secretary of State to Consul Edwards.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 9, 1915.

Advise all Americans in your district to leave Chihuahua for border. Make special effort to get Mormons to withdraw. If you should be in personal danger after compliance with these instructions, you are authorized close consulate and come across border.

Hand copy of this to Carothers and Cobb.

LANSING.

File No. 312.11/6801d.

The Secretary of State to Consul Letcher.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 9, 1915.

Advise confidentially all Americans in your district to leave Chihuahua for border. You are instructed arrange for closing Parral agency, and advise agent and Americans in his district to withdraw therefrom. You are further instructed to close consulate and leave for border.

LANSING.

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[68] Sent to Nogales, Cananea, Hermosillo and Guaymas.

File No. 312.11/6914.

Acting Consular Agent McPherson to the Secretary of State.

[Telegram.]

GUAYMAS, [*not dated; received November 13, 1915.*]

Following message just received from Richardson Construction Company, Esperanza.

We have been given no troops for our protection at Los Hornos. Indians killed four Mexicans near Bacum November 10 and residents are deserting region. Indians are reported in block 31 near Antoga this morning. Every one considers situation very grave and adequate protection is absolutely necessary immediately if repetition of Indians' atrocities of last May is to be avoided.

MCPHERSON.

File No. 312.11/6920.

Admiral Winslow to the Secretary of the Navy.

[Telegrams—Extracts.]

U. S. S. "SAN DIEGO."
San Francisco, November 13, 1915.

M–3079. Danger to settlers in Yaqui Valley I believe to be greater this year than last. Owing to disbandment of groups of Villa forces and to the scarcity of food, Indians are probably in larger numbers than heretofore. Because of the distance, we can do little more than afford refuge at the coast line. Settlers refuse to abandon their property, and I see only two solutions to afford safety to lives and property:

First. Sufficient pressure to be put on Mexican Government by our Government to compel the immediate garrisoning of the Yaqui Valley with large forces of Mexican troops.

Alternative: An expeditionary force of my command with discretionary orders to land as required by occasion.

Prompt action can be secured only by extreme pressure on the Mexican Government, as the local authority, General Dieguez, has his attention on operations to the northward and will not leave sufficient force in the Yaqui Valley unless he is forced to do so.

WINSLOW.

File No. 312.11/6919.

NOVEMBER 13, 1915.

M–3080. *New Orleans* from Guaymas reports:

Indian trouble feared Yaqui Valley. Indians reported Ontagota today. Settlers do not consider they have adequate protection. Matter being taken up with military authorities. Commander-in-chief has directed *New Orleans* urgently request General Dieguez send immediately an adequate force to afford protection lives and property foreign settlers in Yaqui Valley.

WINSLOW.

File No. 312.11/6919.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 15, 1915.

SIR: I have the honor to quote for your information the following telegram which has been received from the Commander-in-chief of the Pacific Fleet:

[Quotes telegram M–3079 of November 13, above.]

The Commander-in-chief will not be permitted to land forces at Guaymas for the protection of property in the Yaqui Valley, and it is therefore suggested that every possible effort be made to obtain from the Mexican authorities adequate protection for American settlers in the Yaqui Valley.

Sincerely yours,

JOSEPHUS DANIELS.

File No. 312.11/6914.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 15, 1915.

As result inadequate protection in Yaqui Valley, Indians killed four Mexicans November 10 near Bacum. American settlers request troops be sent to Los Hornos for their protection.

Request appropriate authorities to inform General Dieguez of this situation and urge them to order Dieguez to station permanent guards at Los Hornos and other points in Yaqui Valley wherever necessary in order to prevent a repetition of the atrocities of last May when several Americans were killed by Indians.

LANSING.

File No. 312.11/6919.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, November 17, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of November 15, 1915, quoting a telegram [etc.].

In reply I have the honor to inform you that telegraphic instructions were sent to Mr. John R. Silliman on November 15, directing him to urge the appropriate authorities to station adequate guards at Los Hornos and other points in the Yaqui Valley.

I have [etc.]

ROBERT LANSING.

File No. 312.11/6942.

Admiral Winslow to the Secretary of the Navy.

[Telegram.]

U. S. S. "SAN DIEGO,"
San Francisco, November 17, 1915.

M–3090. Received from U. S. S. *Annapolis* the following radiogram:

Los Mochis was raided this morning early by Indians and Villistas. Four Mexicans and one English subject reported killed. The property of the United Sugar Companies and other American property was looted. The representative of the United Sugar Companies believes the situation is grave. The Indians and Villistas left Los Mochis again on November 16. Have advised Americans, particularly women and children, through Mr. Page of the United Sugar Companies, to take asylum here. I do not think it advisable to send such a weak force as we have to Los Mochis.

The U. S. S. *New Orleans* reports having received from General Dieguez the following message:

General Muñoz, Military Commander Sinaloa, has been ordered to retain at Los Mochis a detachment for the protection of that region.

Notwithstanding their promises, the local military authorities cannot be relied upon to keep a sufficient garrison. I recommend that a reliable guaranty be secured by the Department from the Carranza Government that there be constantly maintained in the Yaqui Valley and at Los Mochis a strong military force. A general massacre of all foreigners may occur at any time unless this is accomplished or we send an expeditionary force to the country.

Have directed the U. S. S. *Raleigh* to remain off Topolobampo, where she recently arrived. * * *

WINSLOW.

File No. 312.11/6943.

Admiral Winslow to the Secretary of the Navy.

[Telegram.]

U. S. S. "SAN DIEGO,"
San Francisco, November 17, 1915.

M-3093. *Annapolis* from Topolobampo reports:

Americans considered situation serious. They started for Topolobampo early today. All have arrived here except 9 men, 1 boy and 2 women; 33 refugees, mostly women and children, are on U. S. S. *Annapolis;* others are in Topolobampo. Local Mexican authorities and a few soldiers who have been in Topolobampo left in a schooner. I have landed no one. We have a signalman and a boat at the dock. American civilians have organized outposts and patrols to guard town. They are very confident Indians will not attempt to enter Topolobampo. Landing force ready on board. Refugees have some clothing and beds but no supplies. * * *

Indians looted Los Mochis and vicinity very thoroughly this morning. * * *

New Orleans reports:

General Dieguez has been told of situation Los Mochis and requested to take immediate steps to remedy it.

WINSLOW.

File No. 312.11/6947.

Admiral Winslow to the Secretary of the Navy.

[Telegram.]

U. S. S. "SAN DIEGO,"
San Francisco, November 18, 1915.

M-3095, *Annapolis* from Topolobampo reports:

No indication any Carranza forces returning to Los Mochis. In my opinion, Carrancista campaign against Indians was a farce from beginning to end and

had for its sole object to gather up the loot which the Indians had collected. When this was completed, the Carranza forces were withdrawn, as it appeared always to have been their intention to do, leaving the Americans in the vicinity to mercy of Indians. The Carranza authorities must have known that the withdrawing of his forces from Fuerte River would result in great Indian raids on the Americans, especially as the Carrancista Indian campaign from Los Mochis had embittered the Indians against all the people of the locality. The result has been a shameful loss of property and the terrifying of over one hundred American citizens. Under these circumstances it appears the least that should be done by way of reparation is for Carranza force to immediately re-garrison Los Mochis, so as to save the valuable American-owned property still left there, and to prosecute agitators and inaugurate real campaign against these Indians so as to remove all threats of danger from San Blas for very long time to come.

New Orleans from Guaymas reports:

General Dieguez has been kept informed of substance of reports from U. S. S. *Annapolis*. He states in telegram this afternoon that he issued urgent orders that an adequate force be sent to Los Mochis.

From past experience too much confidence cannot be placed in the assurances given by these leaders.

WINSLOW.

File No. 312.11/7062.

Consul Alger to the Secretary of State.

No. 697.] AMERICAN CONSULATE,
Mazatlan, November 19, 1915.

SIR: I have the honor to advise that on November 18, 1916, I received wire from Acting Consular Agent at Los Mochis, Sinaloa, from Topolobampo, stating that Indians and Villistas had occupied the city, same having been abandoned by the Carrancistas; that American property had been destroyed and American colony compelled to flee to save their lives; that if assistance is not given at once, the colony will lose their all and become destitute.

I at once called the attention of the local military authorities, asking for protection; also wired to General Muñoz, military chief of this State, and to General Dieguez. I herewith enclose copies of these telegrams.

I have [etc.],

WM. E. ALGER.

[Inclosure 1—Telegram.]

Consul Alger to General Muñoz.

MAZATLAN, *November 19, 1915.*

I request protection for American property in Los Mochis. According to advices received, Americans were compelled to abandon their property and flee to save their lives.

I request the pursuit, capture and punishment of those responsible for the killing of American citizen Goldsborough, assassinated at Bateve on November 4.

I call to your attention your message of November 8. I am notified from Cocoyolitas Ranch that, in spite of your orders, nothing has been done to remedy the situation as to guaranties of foreign interests in that locality.

ALGER.

[Inclosure 2—Telegram.]

Consul Alger to General Dieguez.

MAZATLAN, *November 19, 1915.*

I respectfully request protection for the lives and property of Americans in the State of Sinaloa.

On November 4, an American citizen was killed at Bateve; on November 6, an American citizen was assassinated at Quimichis Ranch; on November 4, the Cocoyolitas Ranch was raided; and on November 16, American property destroyed at Los Mochis, and the American families forced to abandon their property and to flee for their lives to Topolobampo.

Up to date I have no advices of anything being done, in any of the above cited cases, by the authorities to remedy the situation. I therefore appeal to you.

ALGER.

File No. 312.11/6944.

Special Agent Silliman to the Secretary of State.

[Telegram.]

MONTEREY, *November 19, 1915.*

Department's November 15. Inadequate protection Yaqui Valley matter brought to personal attention of General Carranza who stated that proper telegraphic instruction would be given General Dieguez.

SILLIMAN.

File No. 312.11/6943.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 19, 1915.

Department informed a most serious situation prevails in Los Mochis. Americans have taken refuge at Topolobampo as result Indian raids.

Urge upon General Carranza importance immediately stationing adequate guard at Los Mochis for proper protection American life and property.

LANSING.

File No. 312.11/6951.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, November 20, 1915.

SIR: Referring to recent telegrams from Admiral Winslow, copies of which have been sent to this Department, in regard to the situation at Los Mochis, Mexico, I have the honor to inform you that Mr. John R. Silliman was given telegraphic instructions last night to urge upon General Venustiano Carranza the importance of furnishing adequate protection for American life and property at Los Mochis.

In this connection, I have the honor to request that Admiral Winslow be instructed by telegraph to keep the U. S. S. *Annapolis* at Topolobampo until order has been restored at Los Mochis.

I have [etc.]

LANSING.

File No. 312.11/6946.

Special Agent Belt to the Secretary of State.

[Telegram.]

SALTILLO, *November 20, 1915.*

Department's November 19. Silliman accompanied Chief Executive to Monterey. Foreign Secretary this morning advised me he would at once telegraph and order proper authorities to station guard at Los Mochis to protect American lives and property.

JOHN W. BELT.

File No. 312.11/6953.

Admiral Winslow to the Secretary of the Navy.

[Telegram—Extract.]

FLAGSHIP "SAN DIEGO,"
San Francisco, November 20, 1915.

M–3104, *Raleigh* from Guaymas reports:

General Dieguez states that General Estrada with troops will arrive in San Blas within three days.

No adequate protection will be afforded these people by Mexican forces unless great pressure can be brought to bear on General Dieguez by higher authorities, which can only be brought about by our Government in Washington.

WINSLOW.

File No. 312.11/6950.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 20, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of November 17, 1915, in reference to a telegram [etc.]

It is noted that telegraphic instructions were sent to Mr. John R. Silliman on November 15, directing [etc.]

In this connection your attention is particularly invited to the following messages which have been received from Admiral Winslow subsequent to this Department's letter of November 15: M–3093 (received in the Navy Dept. 8.27 p. m. November 17) and M–3095 (received in the Navy Dept. 9.50 p. m. November 18), copies of which have been sent to your Department.

Very sincerely yours,

JOSEPHUS DANIELS.

File No. 312.11/6952.

Admiral Winslow to the Secretary of the Navy.

[Telegram.]

FLAGSHIP "SAN DIEGO,"
San Francisco, November 21, 1915.

M–3109. *Annapolis* from Topolobampo reports:

Absolutely nothing has been done by Mexico for relief of Americans here. A band of about 30 Villa forces was in outskirts of Los Mochis today driving off stock belonging to Americans. Colonel Escobar, before retiring to San Blas, last night without permission entered warehouse of United Sugar Companies and removed therefrom a large quantity of corn and beans. It is hard to say which are the worst, the Indians or Carranza forces.

WINSLOW.

File No. 312.11/6970.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 22, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of November 20, by which you inform this Department [etc.]

In compliance with your request, Admiral Winslow has been instructed by telegraph to retain a vessel at Topolobampo until order has been restored at Los Mochis.

JOSEPHUS DANIELS.

File No. 312.11/6958.

Acting Consular Agent McPherson to the Secretary of State.

[Telegram.]

GUAYMAS, *November 22, 1915.*

Los Hornos has now fifty troops. General keeps promising troops but sends none into Yaqui Valley. Richardson Construction Company reports Yaquis have been seen several times in Valley. I would advise you urge General Carranza give strict orders to send three hundred troops Yaqui Valley at once.

Also situation at Los Mochis serious. No troops sent up to date to protect Americans there. Both Villa and Carranza troops looting and stealing.

Some urgent steps should at once be taken and insist upon General Dieguez furnishing troops for both Yaqui Valley and Los Mochis, otherwise situation will get worse.

MCPHERSON.

File No. 312.11/6951.

The Secretary of State to Consul Simpich.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 22, 1915.

Department informed anarchy prevails at Los Mochis and that properties of about fifty American settlers are being looted. Ameri-

cans have been driven from their homes and fear total destruction their holdings.

Inform General Obregon and ask him immediately to order an adequate force to garrison Los Mochis permanently, otherwise a repetition of the present conditions is certain to occur.

LANSING.

File No. 312.11/6946.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 22, 1915.

Although Belt telegraphed November 20 from Saltillo that General Carranza had ordered proper authorities to station a guard at Los Mochis, Department informed anarchy still prevails there and that properties of about fifty American settlers are being looted. Americans have been driven from their homes and fear total destruction their holdings. United States naval vessel stationed at Topolobampo telegraphed yesterday nothing had been done for relief Los Mochis.

Urge General Carranza immediately to order an adequate force to garrison Los Mochis permanently, otherwise a repetition of the present conditions is certain to occur.

LANSING.

File No. 312.11/6957.

Consul Garrett to the Secretary of State.

[Telegram.]

LAREDO, *November 22, 1915.*

Neither Silliman nor Belt here. Your November 22 to Silliman forwarded to him at Saltillo. General Carranza here. If Department so instructs, will take matters up with him and try to secure needed relief for Los Mochis.

GARRETT.

File No. 312.11/6957.

The Secretary of State to Consul Garrett.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 22, 1915.

Owing to urgency of matter, you are instructed to take up matter with General Carranza.

LANSING.

File No. 312.11/6960.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, November 23, 1915.

Answering Department's telegram November 22. Obregon replies from Agua Prieta:

Referring to your message. As I said to you in my former message, orders have already been given to crush the rebels who are operating at Los Mochis.

SIMPICH.

File No. 312.11/6969.

The Secretary of the State to Consul Garrett.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 23, 1915.

Immediately take up with General Carranza the urgent necessity of rushing troops to Los Mochis to protect American lives and property, as the troops promised by General Dieguez have not yet arrived and attacks are continuing. Telegram received this morning states that yesterday attacking party looted and burned American property and that these raids were becoming daily occurrences.

Say to General Carranza that if he is unable to send immediately sufficient troops to protect American interests, this Government expects him to permit the landing of an adequate force of American marines to furnish protection to American interests at Los Mochis. Another warship is being ordered to Topolobampo to meet any emergency that may arise. These representations are being made directly to General Carranza as the Department is unaware of the present whereabouts of Silliman and Acuña.

You may say to General Carranza that, in view of the fact that this Government, with an earnest desire to aid in the restoration of peace in Mexico, allowed the passage of his troops across American territory in order to reinforce General Calles, it would seem that General Carranza should have no objection to the landing of American marines, in case of his failure or inability to furnish protection to American interests at Los Mochis.

LANSING.

File No. 312.11/7012a.

The Secretary of State to the Secretary of Navy.

DEPARTMENT OF STATE,
Washington, November 23, 1915.

SIR: Referring to previous correspondence in regard to the situation at Los Mochis, Mexico, I have the honor to request that the U. S.

S. *Maryland* be immediately equipped for a trip to Topolobampo, for the purpose of affording protection for the American colony at Los Mochis. At least three hundred marines should be taken aboard and be kept in readiness to land, but no landing should be permitted until definite instructions to that effect have been issued.

I have [etc.]

ROBERT LANSING.

File No. 312.11/6962.

Consul Garrett to the Secretary of State.

[Telegrams.]

LAREDO, *November 23, 1915—5 p. m.*

Your November 22 delivered to General Carranza this morning. He stated that Los Mochis was an English hacienda and intimated that he did not have the troops to spare but would give me a written reply.

Your November 23 also received and submitted to him in writing as per his request. Will urge immediate answer.

GARRETT.

File No. 312.11/6964.

LAREDO, *November 23, 1915—midnight.*

Have just received the following answer from General Carranza to Department's November 23:

I have just received your kind letter dated today and the copy of the telegram sent you by the Secretary of State of the United States, and in due reply I will state that I have written to Division General Alvaro Obregon recommending that he try to hasten military operations in order to take possession of the Los Mochis region in the State of Sinaloa and that he guarantee the lives and property of the foreigners residing there, especially of American citizens, for whom you demand protection in the name of the Government of your country.

I thank you for the offer which the United States Government makes through you to land troops of the American Navy at Los Mochis and afford protection to its citizens, but I by no means accept this proposition, and you may state to the American Department that, if the lives and property of the residents of the region in question lack guaranties at present, it may suggest to the American citizens that they try to cross over to territory controlled by Constitutionalist forces, where they will enjoy every manner of guaranty, or else, if they prefer, that they embark upon some ship of the United States, in order to keep away from the danger in which they are now situated.

Please accept [etc.] V. CARRANZA.

GARRETT.

File No. 312.11/7063.

Consul Alger to the Secretary of State.

No. 698.] AMERICAN CONSULATE,
Mazatlan, November 23, 1915.

SIR: I have the honor to enclose copies of messages and replies to same regarding the sacking of Los Mochis, Sinaloa; the fleeing of the American colony to Topolobampo; and the request for protection.

I have [etc.] WM. E. ALGER.

[Inclosure 1—Telegram.]

[The same as Inclosure 1 with Mr. Alger's No. 697 of November 19, supra.]

[Inclosure 2—Telegram.]

[The same as Inclosure 2 with Mr. Alger's No. 697.]

[Inclosure 3—Telegram.]

General Muñoz to Consul Alger.

SAN BLAS, *November 19, 1915.*

Referring to your attentive message of even date [Inclosure 1], allow me to inform you, that at all times every guaranty has been afforded the Americans at Los Mochis. The carrying out of operations has caused the temporary retiring of forces from that vicinity, where practically no protection was needed from us. For some time some Americans ably aided by the Company have been in accord with the Indians, their imprudence even going so far as to bring in on various occasions arms and ammunition, as is proven by original documents in my possession. Although they themselves have brought about the evils from which they are now suffering, you must admit the serious injury we are compelled to suffer by such acts, for, in addition to the lives of brave soldiers who have been killed, there have also been lost those of honorable laborers who have worked for the welfare of the same company, repaying thus, not only the guaranties that have always been given them but also the hospitality and riches which our country has bestowed on them.

Notwithstanding the foregoing I am disposed to grant them every protection that is without prejudice to exemplary punishment of those who have infamously exploited the lives of our brothers.

By wire I am giving most urgent orders to General Nájera to give the necessary protection to the Cocoyolitas Ranch, asking you to continue informing regarding same. I am resolved to give all and every protection.

Respectfully, M. MUÑOZ.

[Inclosure 4—Telegram.]

General Muñoz to Consul Alger.

SAN BLAS, *November 20, 1915.*

I have received information that the Commander of the American war vessel *Annapolis*, at anchor in the bay of Topolobampo, has landed armed men on Mexican soil without permission of the respective authorities, and after sending them to Los Mochis they took advantage of the circumstances to insult the force of Hernandez that I have at Topolobampo for the protection of the lives and interests, not only of Mexicans, but also of foreigners in that section.

I energetically protest against these acts and I consider it highly unlawful and against the national dignity, and I advise you that forces operating in that region, in case they meet with armed men not belonging to the Constitutional Mexican Army will meet with the same fate as enemies, for we will not permit foreign soldiers to enter with arms Mexican territory without previous consent of our superiors. The city of Topolobampo, justly indignant, has energetically protested against acts mentioned and the Mexican Government will not be responsible if an outbreak takes place between Mexican and foreigners at that place. I ask you to do all in your power to avoid a repetition of landing of armed men from the *Annapolis*.

Respectfully, M. MUÑOZ.

[Inclosure 5—Telegram.]

Consul Alger to General Muñoz.

MAZATLAN, *November 22, 1915.*

Commander of *Annapolis* advises me that up to now not one single armed man has been landed on Mexican soil from the *Annapolis*. He also assures me he has no knowledge of any insult to Hernandez. American citizens on shore are carrying arms for their protection, this on account of lack of protection from Mexican authorities. I again request that you take measures to protect lives of Americans at Topolobampo.

ALGER.

File No. 312.11/6966.

Special Agent Silliman to the Secretary of State.

[Telegram.]

SAN LUIS POTOSI, *3d November 24, 1915.*

Department's November 22. Los Mochis matter taken up with Foreign Secretary on train prior to arrival here. He said additional telegraphic instruction for proper protection would be sent from San Luis Potosi.

SILLIMAN.

File No. 312.11/6972.

The Secretary of the Navy to Admiral Winslow.

[Telegram.]

NAVY DEPARTMENT,
Washington, November 24, 1915.

Department desires expeditionary force be sent with least possible delay to Topolobampo. *Maryland* will be placed in reserve immediately, and *Buffalo* and *Bushnell* placed in commission with her personnel. *Buffalo* will be sent to Topolobampo as soon as available and marines at San Diego will be embarked on her if considered necessary at that time. Order *Maryland* San Francisco. Embark San Francisco marines on *San Diego* and proceed with least possible delay Topolobampo.

DANIELS.

File No. 312.11/6977.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 26, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, in which you request that a vessel be equipped with an expeditionary force and sent to Topolobampo, Mexico, for the purpose of affording protection for the American colony at Los Mochis.

On the 24th instant the Commander-in-chief of the Pacific Fleet was directed to embark at San Francisco a force of about 275 marines and to sail with the least possible delay for Topolobampo.

The *San Diego* left San Francisco on the evening of the 25th instant, will stop at San Diego for an additional force, and should arrive at Topolobampo about December second.

Very sincerely yours,

JOSEPHUS DANIELS.

File No. 312.11/6958.

The Secretary of State to Mr. Parker, representing American interests.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 26, 1915.

141. American settlers in Yaqui Valley, Sonora, complain of inadequate protection against Indians. Urge appropriate authorities to issue orders immediately to General Dieguez to send at least three hundred soldiers to Yaqui Valley.

LANSING.

File No. 312.11/7057.

Consul Alger to the Secretary of State.

No. 699.] AMERICAN CONSULATE,
Mazatlan, November 26, 1915.

SIR: I have the honor, in continuation of my No. 698 of November 23, 1915, to enclose copies of messages sent and received regarding the situation at Los Mochis, Sinaloa. * * *

I have [etc.]

WM. E. ALGER.

[Inclosure 1—Telegram.]

General Muñoz to Consul Alger.

SAN BLAS, *November 23, 1915.*

In reply to your telegram [Inclosure 5, despatch 698] I would state that the entire city of Topolobampo indigantly complain to me of landing of armed marines from the *Annapolis*. If this complaint came from a single individual I might doubt it, but in the present case the abuses of the Commander of *Annapolis* can not be discussed. Also, the Commander of the Guerilla Hernandez, an honorable officer, notifies that he saw armed Americans in Mochis, which is proven by the fact that on his approach they threw away their arms and fled. I beg of you to do all in your power to prevent a repetition of landing of armed men, as I have given definite orders in accord with my previous message.

MUÑOZ.

[Inclosure 2—Telegram.]

Consul Alger to General Muñoz.

MAZATLAN, *November 23, 1915.*

In spite of assertion of entire city of Topolobampo, I repeat: Not one armed man has been landed from *Annapolis*. It is possible that armed Americans you refer to may be American civilian residents of Mochis who have been forced to take arms to protect their lives. In order to avoid any possibility

of men being landed later on, it is necessary that you, General Muñoz, give the protection to foreigners at Mochis and Topolobampo that they are entitled to from Mexican authorities.

ALGER.

[Inclosure 3—Telegram.]

Commander Kavanagh to Consul Alger.

U. S. S. "ANNAPOLIS," *November 22, 1915.*

Villistas and Indians have again raided Los Mochis, burning several large residences, looting and wrecking all others, pillaging all warehouses, driving off all live stock. Several Mexicans have been killed, a number of Mexican women have been carried off or outraged. All Americans and a great number of Mexicans have fled here for safety as a reign of terror exists. Please lay these matters before General Muñoz and very strongly and insistently request that he immediately send a sufficient force of troops to protect lives and property and to fix a definite time when these troops are to be expected here.

KAVANAGH.

[Inclosure 4—Telegram.]

Consul Alger to Commander Kavanagh.

MAZATLAN, *November 23, 1915.*

General Muñoz refuses accept your denial. I have again emphatically assured him not one armed man has been landed from *Annapolis;* also that if he wishes to avoid marines being landed later on he must give Americans protection they are entitled to.

ALGER.

[Inclosure 5—Telegram.]

Commander Kavanagh to Consul Alger.

U. S. S. "ANNAPOLIS," *November 23, 1915.*

Please remind General Muñoz that: Protection not protests is what is desired here; the protests can be settled afterwards. For more than ten days now the Americans here have been without protection from the Mexicans although the deplorable state of affairs has been repeatedly brought to their attention.

I would like to know definitely if General Muñoz refuses protection on the grounds that armed men were landed from the *Annapolis* or if that is not the reason, what is the reason he does not send a force here.

KAVANAGH.

[Inclosure 6—Telegram.]

Consul Alger to General Muñoz.

MAZATLAN, *November 24, 1915.*

The Commander of the *Annapolis* wires me that: Protection and not protests is what the situation demands; protests can be taken up later on, protection must be immediate.

For more than ten days the American colony of Mochis has been without protection from the Mexican authorities, this in spite of its having been repeatedly requested.

I wish to know definitely if you, General Muñoz, refuse to give immediate protection, basing refusal on grounds of armed men having been landed from the *Annapolis;* or, if that is not the reason, then for what reason do you not send forces to protect foreigners?

I request from you a categorical reply as to whether you will without further delay give protection to foreigners and in what time limit can assistance be expected by Americans at Topolobampo?

ALGER.

File No. 312.11/6989.

Admiral Winslow to the Secretary of the Navy.

[Telegram.]

FLAGSHIP "SAN DIEGO,"
Via San Diego, November 28, 1915.

M–3148. *Annapolis* from Topolobampo reports:

An officer from the ship was sent to call upon Commanding General, Sepulveda, at Los Mochis this afternoon. General Sepulveda informed officer that it was his intention to maintain the present forces at Aguila and Los Mochis until the Indian troubles had been settled. A party Americans visited Los Mochis today and they reported to me this evening that the Carrancista troops upon arriving had looted their home and had been guilty of many acts of vandalism against them. I will proceed to Los Mochis in the morning, see the Mexican authorities there, and insist that they give proper protection to American property.

WINSLOW.

File No. 312.11/6989.

Admiral Winslow to the Secretary of the Navy.

[Telegram.]

FLAGSHIP "SAN DIEGO,"
Via San Diego, November 29, 1915.

M–3149. *Raleigh* from Guaymas reports:

50 Carranza forces at Corral to protect workmen rebuilding railroad bridge across Yaqui River. No troops at Esperanza. Two trains Carranza forces, bound north, now turned back at Ortec and ordered direction Yaqui Valley, to head off 2,500 Villa forces from vicinity Torres, who are attempting to get across country to join Banderas. Telegram sent General Dieguez insisting that sufficient troops be left in Yaqui Valley to insure protection.

Apparently there is no garrison in Yaqui Valley of consequence. I consider the situation there dangerous and recommend that authorities in Washington place all possible pressure on General Dieguez through Carranza Government to immediately garrison Yaqui Valley for the protection of our settlers.

WINSLOW.

File No. 312.11/6993.

The Acting Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, November 29, 1915.

SIR: I have the honor to invite the particular attention of your Department to the copy of message (M–3149) which has been received from Admiral Winslow, relative to conditions in the Yaqui Valley, and forwarded to your Department under separate cover.

Sincerely yours,

FRANKLIN D. ROOSEVELT.

File No. 312.11/6994.

The Confidential Agent of the Constitutionalist Government to the Secretary of State.

WASHINGTON, *November 29, 1915.*

MY DEAR MR. SECRETARY: In reference to your excellency's note to Mr. Carranza, through American Representative John R. Silliman and American Consul in Laredo, Texas, I beg to state that I am instructed by my Government to advise your excellency that orders were given to General Obregon to protect American citizens in Los Mochis and that they will have the necessary protection; but at the same time I beg to invite your excellency's attention to the fact that General Obregon informs that foreign citizens in that region have been giving all kinds of aid to the Villistas and previously were the supporters of General Victoriano Huerta.

I am [etc.]

E. ARREDONDO.

File No. 312.11/7058.

Consul Alger to the Secretary of State.

No. 706.] AMERICAN CONSULATE,
Mazatlan, November 29, 1915.

SIR: I have the honor, referring to my Nos. 697 of November 19, and 698 of November 23 [and 699 of November 26] to enclose copy of reply from General Muñoz to my request for protection instead of protests.

I have [etc.]

WM. E. ALGER.

[Inclosure—Telegram.]

General Muñoz to Consul Alger.

SAN BLAS, *November 27, 1915.*

I advise you that this a. m. there will arrive at Los Mochis 800 armed men, and at El Aguila Ranch 400 men as garrison. This I send for your information and for you to make known to the Commander of the *Annapolis.*

MUÑOZ.

File No. 312.11/7015a.

The Secretary of State to Mr. Parker, representing American interests.[69]

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 1, 1915.

152. Department informed American refugees at Topolobampo unable return to Los Mochis because there is no guard at Aguila nor at Los Tates pumping plant. Colonel Escobar at Mochis asserts he

[69] The same to Consul Simpich at Nogales.

can do nothing until he receives instructions from General Muñoz at San Blas. It is further reported nothing has been done to assist Americans to recover property in hands Carranza forces.

Convey above to appropriate authorities immediately and urge them to instruct General Dieguez to station guards at Aguila and Los Tates. Also request them to issue orders to the end that American properties be restored to rightful owners.

LANSING.

File No. 312.11/6093.

The Secretary of State to the Secretary of the Navy.

DEPARTMENT OF STATE,
Washington, December 2, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of November 29, inviting [etc.]

In reply I have the honor to state that this Department has made urgent representations to the authorities in Mexico City and to General Alvaro Obregon, concerning the protection of American interests in the Yaqui Valley.

Similar representations have been made in regard to the situation at Los Mochis. For your information, there is enclosed herewith a copy of a letter dated November 29, 1915, from Mr. Eliseo Arredondo, the Washington representative of the de facto government of Mexico, stating that protection would be accorded American citizens at Los Mochis.

I have [etc.]

ROBERT LANSING.

File No. 312.11/7017.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, December 3, 1915.

Department's December 1. General Obregon says orders desired have been given.

SIMPICH.

File No. 312.11/7052.

The Confidential Agent of the Constitutionalist Government to the Secretary of State.

WASHINGTON, *December 3, 1915.*

MY DEAR MR. SECRETARY: I refer to our recent conversation on the matter of Los Mochis and I am pleased to inform your excellency that in a telegram dated at Monterey December 1, Mr. Carranza advises me that the recent successes of our troops on the revolutionists have brought as a result that Los Mochis be occupied by our forces.

Mr. Carranza further states that our Government will afford every guaranty and protection on lives and property at that place to both

nationals and foreigners in the same way as it has been done heretofore in every place controlled by our Government.

I renew [etc.]

E. ARREDONDO.

File No. 312.11/7053.

The Secretary of State to Mr. Parker, representing American interests.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, December 10, 1915.

175. Official advices received by Department indicate conditions western Sonora and region Los Mochis improving, and that military learders of de facto Government have announced their intention to adopt energetic measures to safeguard foreign lives and interests, and to cooperate in return of properties stolen in recent raids.

You are instructed to state to Foreign Office that this Government is glad to learn of prospects of adoption of these energetic measures, and that they tend to encourage this Government in its desire and efforts to cooperate, as it has been doing, with de facto Government in every proper way in facilitating restoration of law and order in Mexico.

LANSING.

File No. 312.11/7053.

DEPARTMENT OF STATE,
Washington, December 11, 1915.

176. Department's 175, December 10. In conveying Department's appreciation to Foreign Office, state that advices just received indicate that serious situation has arisen in Yaqui Valley and that unless the energetic measures referred to are adopted immediately foreign settlers will be in grave peril with devastation in Yaqui Valley. Urge immediate sending of reinforcements to places inadequately garrisoned, and stationing of troops at unprotected points to prevent the frequent outbreaks and depredations.

LANSING.

File No. 312.11/7060.

Admiral Winslow to The Secretary of the Navy.

[Telegrams.]

U. S. S. "SAN DIEGO,"
Topolobampo, December 11, 1915.

M-3197, *Raleigh*, from Guaymas, reports:

Fighting in vicinity of Corral yesterday and this morning between soldiers and Yaquis. * * * No reply to telegrams to General Dieguez have been received. Dieguez now at Nogales. Railroad officials have wired their officials at Nogales to impress on Dieguez necessity for a larger garrison at Corral.

Attention of Department is invited to the fact that this force left Corral without warning, just as the force left Mochis; and if Carranza forces are for any reason suddenly withdrawn from Yaqui Valley, a raid may be expected on Americans in that district, and the marines I asked for could not reach me in time to take part in the early operations, and the present expeditionary force is none too strong. It is considered possible that under certain conditions Mexican authorities might grant permission for us, or even request us, to land and protect our own people.

WINSLOW.

File No. 312.11/7060.

TOPOLOBAMPO, *December 11, 1915.*

M-3198. *Denver*, Guaymas, reports:

On information just received from American Consul, am sending following telegram to General Dieguez:

The following message has just been received from Esperanza:

"Yesterday afternoon, 9th instant, soldiers fought three-hours battle with Indians estimated 500 strong, along Porfirio Diaz Canal between Esperanza and Corcorit; 200 Indians now on blocks 31, 32, 33, are burning our harvests after carrying away 300 sacks rice and 20 mules, and moving toward unprotected Yaqui Valley experiment station at San Pedro. American colony entirely without military protection. Feel that it is imperative that energetic campaign be inaugurated immediately or Valley will be devastated."

Owing to the serious danger in the Yaqui Valley, it is now imperative that you send there immediately, and retain there permanently, sufficient military force for the protection of the lives and property of the American and other foreign residents; and acknowledgment of this message is requested, with information as to what action will be taken.

TRENCH.

I directed *Raleigh* to proceed Tobari Bay, where she will arrive in the morning, and have instructed Captain of *Denver* to inform settlers would be at Tobari Bay in case they desire asylum.

WINSLOW.

File No. 312.11/7060.

TOPOLOBAMPO, *December 11, 1915.*

M–3204. I have been unable to get any answer to my telegram sent to General Dieguez at Nogales. The Yaquis will certainly invade the Yaqui Valley if ample protection is not immediately provided and maintained, and it is believed will not only destroy property but murder settlers, of whom there are a considerable number of American nationality. I consider the situation serious and urge the Department to bring pressure to bear on General Dieguez and General Estrada to compel immediate adequate garrisoning of Valley, or that authority be obtained from Mexican Government for forces under my command to be landed to protect American settlers against attacks of Indians only. That we would be justified in landing military forces in the event of sudden attack by Indians on unprotected American settlers was freely admitted by General Muñoz. It is possible that if Mexican Government wishes to use forces elsewhere, they may take same view of the situation in Yaqui Valley.

WINSLOW.

File No. 312.11/7060.

The Secretary of State to Mr. Parker, representing American interests.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 12, 1915.

179. Department informed that situation American colonists in Yaqui Valley most alarming, large band lawless Indians having taken possession some of their properties and now besieging colonists.

Convey above to appropriate authorities, urging immediate stationing sufficient military forces in Yaqui Valley to insure safety American lives and property.

LANSING.

File No. 312.11/7060.

The Secretary of State to Consul Simpich.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 12, 1915.

Department informed that situation American colonists in Yaqui Valley most alarming, as large band lawless Indians have taken possession of some of their properties and is now besieging the colonies.

Convey above information to General Obregon and urge upon him great importance of quickly furnishing adequate garrison for Yaqui Valley.

Telegraph action taken.

LANSING.

File No. 312.11/7065.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, December 13, 1915.

Department's December 12 conveyed Obregon last night. He says was already advised of Indian raids and had ordered General Estrada to move troops from Guaymas for strengthening Yaqui River garrisons and that movement is now under way; this will amply protect lives and property in Yaqui Valley. Obregon leaving for south to-day.

SIMPICH.

File No. 312.11/7065.

The Secretary of State to Consul Simpich.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 15, 1915.

Your December 13. Inform General Obregon Department appreciates his prompt action in sending troops to Yaqui Valley and

request him to keep an adequate force there for permanent protection, as otherwise raids are certain to be repeated.

LANSING.

File No. 312.11/7110.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, Arizona, December 21, 1915.

Detailed telegrams from superintendent Richardson Construction Company in Yaqui Valley, report new Indian outbreak. I sent following to Obregon at Guaymas this morning:

After recent exchange of telegrams concerning continued Yaqui raids on American settlers in that Valley, and having in mind your recent generous assurances that General Estrada with ample troops had moved from Guaymas to garrison the Valley, it is today learned with dismay and alarm that hundreds of savages have again invaded the Valley and that looting and fighting is now going on. This news is causing my Government the gravest concern and on its behalf I am constrained to insist politely but with the most absolute emphasis that immediate effective action be taken by the de facto Government to drive these Indians out of the American settlements and keep them out. It is useless to point out, I am sure, that the Government of Mexico owes to Americans in its territory the same measure of protection to life and property which the American Government owes, and is giving to, Mexicans and their property in California, Arizona, etc. For the information of my Government, I respectfully and courteously ask that you please telegraph me what steps are being taken to give adequate, continuous and permanent protection to American interests in the Yaqui Valley.

It is noted with disappointment that although Obregon has thousands of unemployed soldiers in Sonora, within striking distance of the Yaqui Valley, and notwithstanding his fulsome assurances and the ample time he has had in which to act, he has failed to put and keep enough troops in the Valley to hold back the Indians.

Respectfully recommend that vigorous representations be made direct to Carranza, as Obregon may be playing politics here.

SIMPICH.

File No. 312.11/7108.

Admiral Winslow to the Secretary of the Navy.

[Telegrams.]

FLAGSHIP "SAN DIEGO,"
Topolobampo, December 21, 1915.

M-3240. Indians again raiding Yaqui Valley, attacking settlers at Ontagota and the experimental station at San Pedro. Reported that troops and people were deserting Ontagota and that General Obregon has ordered six hundred cavalry from Esperanza who should arrive at Ontagota between 8 and 12 tonight. One thousand troops have left Magdalena enroute to Yaqui Valley via Guaymas and it is hoped that they will arrive in the valley tomorrow. I do not understand that Americans are leaving the valley. Am I to land troops if General is willing? Immediate answer requested.

WINSLOW.

File No. 312.11/7108.

DECEMBER 21, 1915.

M–3241. Following telegram received from Cajeme:

Americans at Ontagota ordered out by local military commander on account his troops having deserted and refused to fight Indians. San Pedro and Cajeme ranches have been taken. When we left Ontagota, block 33 and 36 were fighting to hold out for help and help is needed quick.

Later telegram from Esperanza at 8.30 p. m. relates:

Yaqui Indians, estimated by military authorities on the ground at fifteen hundred, have attacked and taken San Pedro and Cajeme, 33, Ontagota and neighboring ranches; all of these places have been abandoned by soldiers and civilians. Reenforcements amounting to four hundred sixty have just left here. Military authorities advise that there still remain here and at Cojorit about four hundred with four hundred additional at Corral. American ranches at 66 and 90 are completely isolated.

I had conference with General Obregon and he directed General Madrigal to leave with small body of troops early this evening and upon arrival in Valley to take charge of operations. Another train with larger number of troops under General Estrada is being made up to leave in a few hours. Other troops have left Naco and Alameda on the way south.

WINSLOW.

File No. 312.11/7108.

The Secretary of the Navy to Admiral Winslow.

[Telegram.]

NAVY DEPARTMENT,
Washington, December 21, 1915.

Troops will not be landed without instructions from the Department. It is desired that you keep the Department fully informed as to conditions.

DANIELS.

File No. 312.11/7121.

Admiral Winslow to the Secretary of the Navy.

[Telegrams.]

U. S. S. "SAN DIEGO,"
Topolobampo, December 21, 1915.

M–3245. Troop train under General Estrada left Guaymas for Yaqui Valley this morning. General Manso with troop train passed through Hermosillo this morning and is expected in Empalme about noon. General Obregon ordered sixty cars to Hermosillo to carry more troops south; twenty-five of these have already been sent from Empalme. Consul has telegraphed to Esperanza for report of conditions and troop movements.

WINSLOW.

File No. 312.11/7121.

DECEMBER 22, 1915.

M–3247. * * * Last night had an interview with General Obregon. He stated that it would take two or three days for his plans to develop, but that he would then proceed seriously against the Indians. Apparently he is making good on what he said he would do. In the course of a few days I look for an improvement in the Yaqui Valley situation. * * *.

WINSLOW.

File No. 312.11/7123.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, December 22, 1915.

Referring to my December 21: Obregon instructed his agent here to inform us that active campaign against Yaquis started last night; that Generals Dieguez, Flores, Martinez, Manso and Gomez taking field with ten thousand troops, working from Guaymas and Esperanza as bases. Trains commandeered and troops enroute various points in Valley. Large quantities munitions being shipped from here south. Movement is businesslike and hope is entertained that campaign may result ultimate control of Yaqui problem. Far as learned no Americans killed. Late Indian raids through property, destruction believed considerable.

SIMPICH.

File No. 312.11/7128.

General Funston to the Adjutant General.

[Telegram.]

FORT SAM HOUSTON, TEXAS, *December 22, 1915.*

875. Following from Colonel Sage, Nogales, dated 22d:

Obregon left here 5.30 this morning to arrive El Paso this evening to take personal charge situation. Obregon takes General Dieguez with ten thousand troops now marching into Yaqui Indian country to prosecute vigorous campaign and subdue hostile Indians. Five thousand troops from Agua Prieta in Naco now passing through Nogales to join movement against Indians.

Information from south this morning states estimated eighteen hundred hostile Indians in valley; all ranches abandoned by troops and settlers except block 66 where Americans seem to be concentrated for defense. Troops from Guaymas moving south to-day to valley.

FUNSTON.

File No. 312.11/7147.

Consul Hostetter to Secretary of State.

No. 790.] AMERICAN CONSULATE,
Hermosillo, December 22, 1915.

SIR: I have the honor to report that I went to Guaymas with General Obregon December 17 and while there had an interview with Admiral Winslow in regard to the Yaqui situation. On our return

Obregon showed me a list of orders issued to the troops in Sonora and the same figured up to 11,800 soldiers who are to pursue a campaign against the Yaquis immediately. Some are already on the road and the others have orders to start immediately. Some will be stationed in places where the Yaquis usually visit and others at water-holes, so that they can get no water. The General assures me that within a very short time the State will have no Yaqui question.

I have [etc.]

LOUIS HOSTETTER.

File No. 312.11/7153.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, December 28, 1915.

SIR: I have the honor to forward herewith copy of a report of operations of the U. S. Pacific Fleet in Mexican waters, dated December 11, 1915.

Very sincerely yours,

JOSEPHUS DANIELS.

[Inclosure—Extract.]

Admiral Winslow to the Secretary of the Navy.

FLAGSHIP, UNITED STATES PACIFIC FLEET,
Topolobampo, Sinaloa, December 11, 1915.

Report of operations: Embarking of expeditionary force of marines, and conditions at Topolobampo and vicinity.

1. In obedience to the Department's order * * * the First Battalion of Marines, under command of Major John T. Myers, U. S. M. C., were embarked on board the U. S. S. *San Diego* at San Francisco, California, on November 25, 1915, and at 9.10 p. m. the same day I sailed from San Francisco for Topolobampo. * * *

3. The Flag arrived off Topolobampo November 30. * * *

4. On the following day, in order to make a thorough investigation of conditions and to receive first-hand information, * * * I proceeded to Los Mochis via Topolobampo. * * *

6. The tour of inspection included the property and buildings of the United Sugar Companies and outlying farms, and the following conditions were found to obtain:

a. All American settlers were refugees in Topolobampo and their houses and properties in Los Mochis and vicinity were found to have been temporarily abandoned.

b–k. [Descriptions of wanton destruction of the property of these settlers: crops, residences, factories, offices, etc.]

l–m. [Descriptions of looting.]

n. The Commander-in-chief, after an inspection of the outlying districts, met Lieutenant Colonel Gutierrez, the Carranza official commanding the Los Mochis garrison. He stated that he had 700 troops at Los Mochis and between 150 and 175 at Aguila, but had not garrisoned the pumping station as no instructions as to this had been received by him from General Muñoz.

7–9. Just before the inspection party returned to Los Mochis, an armored train unexpectedly arrived, bringing General Mateo Muñoz, the Commanding Officer of the Carranza forces in the State of Sinaloa, and Colonel Escobar. The Commander-in-chief immediately took up with Muñoz the question of affording adequate protection for American citizens. Muñoz stated that the * * * principal reason for withdrawing the Los Mochis garrison to San Blas was because it was known that the Villista General Juan Banderas had joined the Mayas and that the strength of the combined forces was estimated at 1800 men; such a detachment could easily defeat the Los Mochis garrison

and it was therefore decided to withdraw to San Blas where there was a force of but 800.

This explanation was not convincing as there was no reason to believe that the Indians and Villistas had a force of such strength.

Prior to the raid of November 16 the Carrancistas maintained a garrison at Los Mochis of about 500 men under Colonel Escobar, but for some reason, not satisfactorily explained, the garrison was withdrawn on November 15 and remained inactive at San Blas until after the raids had been accomplished by the Indians, when the troops again entered Los Mochis and continued the looting.

As stated in his telegrams to Consul Alger at Mazatlan, General Muñoz delayed in sending troops to Los Mochis because armed forces had been landed from the *Annapolis;* but as Colonel Escobar had visited Los Mochis and Topolobampo on November 19, which was between the first and second raids, and was aware that no force had been landed, there was no apparent excuse for Muñoz not promptly sending troops to Los Mochis and thereby preventing the second and most serious raid. (See General Muñoz's letter, translation appended.)

At this point the Department's attention is invited to the telegraphic intercourse between the American Consul at Mazatlan, Mr. W. E. Alger, and General Muñoz, commanding the Carranza forces in the State of Sinaloa (copy appended) and to an explanatory letter written by General Muñoz to the Commander-in-chief with answer to the same (copies appended).

10. The Indians were undoubtedly urged by General Banderas to make the raid, because when Chief Bachomo of the Mayas entered Mr. Johnston's house on the 16th and stole six rifles he informed the Americans present that Banderas had ordered him to get the arms. [Other reasons.]

11–14. The first raid was made on November 16. * * * The Maya Indians under Chief Bachomo were accompanied by a detachment of Villistas under General Juan Banderas. * * * The settlers immediately fled in automobiles to Topolobampo for refuge, so that when the Indians reentered the town on the 20th of November it was practically deserted.

15–17. [Entertainment of General Muñoz, General Sepulveda and fifteen other officers on board the flagship.]

18. The question of adequate protection was again taken up with Muñoz during this visit and all points clearly presented and emphasized, with the result that General Muñoz made the following promises:

(1) To maintain an adequate garrison at Los Mochis, Aguila, and at the pumping stations.

(2) To begin active offensive operations against the Indians.

(3) To recover as much stolen property as possible and to return same to rightful owners.

(4) To have all animals belonging to foreigners returned as soon as recovered.

(5) To permit the American settlers to retain arms purchased from the American Consul at Hermosillo and carry same unmolested.

(6) To endeavor to establish a feeling of harmony between the garrisons and the settlers.

19. Muñoz was informed that the United States and Mexico were on friendly terms and that there was no desire on the part of the United States to land troops in Mexico, it being the wish that peace and prosperity be established throughout the country.

20. The following hypothetical case was then presented to General Muñoz: "Suppose there is no garrison at Los Mochis and that the lines of communication between San Blas and Los Mochis have been interrupted; and further suppose that I, as Commander-in-chief of the United States Pacific Fleet, having a strong expeditionary force anchored off Topolobampo ready to land at a moment's notice in event of word reaching me that Los Mochis is being raided by Indians, receive information that an attack by savages is about to be made and that my countrymen are in danger of being murdered and my countrywomen in danger of being carried off by the savages (here we have a case where a band of barbarians are attacking an American colony of American men, women and children without protection)—What action would you expect me to take under the circumstances?"

21. After thinking over the problem, General Muñoz replied, "Under those circumstances, I believe you would be obliged to land and save them, and I believe the act would be considered unfriendly to Mexico. I see the point

the same as you do and I wish to state that it was with profound indignation that I received information that the Indians had made their raid on the Mochis colony."

22. After further deliberation and at the suggestion of General Sepulveda, Muñoz reconsidered his former statement, saying that he did not have authority to authorize landing for the purpose of protecting American lives and property, and, as he was subject to the orders of General Dieguez, permission would have to be obtained from that official.

23. I then impressed upon him that in case a raid was being made on Los Mochis there would not be time to get permission from higher authority or even from my own Government. "In that case," replied General Muñoz, "you would have permission to land. I understand the situation, but, you see, I am under General Dieguez."

24. I then informed him that I relied upon him by his future actions to prevent a situation which might cause possible friction between two friendly nations and that I hoped he would understand my point of view. He replied stating that he realized it and thoroughly agreed with me.

25. The representatives of the Sugar Companies and settlers who were present at this interview and at the interview at Los Mochis expressed themselves as thoroughly satisfied with the results and stated that they believed the situation would soon be satisfactorily cleared up.

26. It was not until after the arrival of the Commander-in-chief off Topolobampo and these same interviews held, that the Carrancista officials made any effort to cooperate with the settlers and garrison the outlying districts and pumping stations. The garrison at Los Mochis was lying inactive and merely aggravating conditions by looting the houses and property of, and commandeering animals belonging to, the Sugar Companies and the settlers.

27. On December 5, 1915, ten warrants were issued to the United Sugar Companies and ten to representative colonists, calling upon all military commanders in the State to assist in recovering stolen property and having it returned to the rightful owners. This work is now progressing, * * *

28–42. * * *

43. There can be little doubt that if the troops protecting American interests at Los Mochis or at other places are needed for military operations or are threatened by a large force of Indians they will be promptly withdrawn with little or no warning to settlers as to the impending danger, just as they were withdrawn at Los Mochis. For this reason I would strongly advise that permission be obtained from the Mexican Government to land our forces on Mexican territory in cases of great emergency when the lives of our own people are placed in serious jeopardy from threatened attack by hostile Indians. Unless action is taken in time, the raid will be accomplished, with resulting massacre. The Indians act too quicky to admit of the delay necessary to obtain permission as occasion arises to land a force.

C. McR. WINSLOW.

[Subinclosure 1.]

[This is the correspondence between Consul Alger and General Muñoz, referred to in paragraph 9 above, and printed ante as inclosures to Mr. Alger's despatches of November 19, 23 and 26.]

[Subinclosure 2.]

General Muñoz to Admiral Winslow.

CONSTITUTIONALIST ARMY,
3D DIVISION OF THE NORTHWEST,
Camp at San Blas, December 7, 1915.

SIR: I have the honor of addressing you the following, as I consider terminated the operations on the Fuerte River and contiguous territory, thus giving full guaranties to the lives and interests of Mexicans and foreigners residing in this region. I wish to explain to you the reason for recent events in order to destroy whatever bad impressions may have remained on account of the injuries which American citizens suffered at Los Mochis on the occasion of the attack of the Indians and Villistas on said locality.

For some time we have noted the necessity for a sufficient garrison in Los Mochis on account of its proximity to the region in which the rebels (bandits) referred to were operating, and with the object, moreover, of terminating in the least possible time the campaign which was going on, the mobilization of 500 men was ordered, which was sufficient to carry on the operations prepared by this headquarters; also to guarantee all interests in the region, although there was every reason to hope for prompt results, a group of rebels more or less numerous who came from the State of Chihuahua, compelled us to change our plans as they threatened to invade the State; and although they suffered a great defeat at the beginning in this district, they continued to be a menace to all the small garrisons which had been stationed in the vicinity of Los Mochis. To avoid the consequences and principally with the object of fighting them in their own localities, I was compelled to concentrate all these garrisons, principally that of Los Mochis, which was a good force, in order to reenforce the column which operated under my orders.

Now that this campaign has terminated with good results, I am pleased to inform you that in this region I have 3000 men, which will give guaranties to all the peaceful inhabitants; and as far as the interests of Americans are concerned, I have the greatest desire to furnish them the fullest guaranties, so much the more because such are the instructions which I have received from my superiors; and I have already established garrisons not only in Los Mochis but likewise in the Hacienda del Aguila and Los Tastes. Moreover, the United Sugar Companies of Los Mochis will recover, if not all, then the greater part of whatever was lost, since already they are beginning to receive some property and I am aiding them in recovering animals and other property abandoned by the Indians and Villistas.

I have [etc.]

MATEO MUÑOZ.

[Subinclosure 3.]

Admiral Winslow to General Muñoz.

FLAGSHIP, UNITED STATES PACIFIC FLEET,
Off Topolobampo, December 9, 1915.

MY DEAR SIR: I have the honor to acknowledge the receipt of your letter of December 8 [7] and in reply I have to state as follows:

On October 26 I was assured by General Dieguez, through the Commanding Officer of the U. S. S. *New Orleans*, that every protection would be afforded foreigners and their property in the Yaqui Valley and at Los Mochis, and that General Dieguez was in command of the district in which you are operating. After this assurance from the general in command of the military forces in the region in which Los Mochis and Yaqui Valley are situated, I had reason to believe that protection would be afforded our settlers and their property. The fact that General Carranza had recently been recognized by the Government of Mexico [sic] would seem to have made it more necessary to have carefully protected American citizens in Mexican territory, as such recognition must necessarily have created animosity on the part of those representing the Villista cause.

It appears that on the approach of a by no means large force under the Villista General Banderas, associated with a force of Indians under command of Bachomo, the forces stationed at Los Mochis, over which you had control, were suddenly withdrawn to San Blas, leaving the American settlers without any protection whatever for their lives and property. This withdrawal was made without warning as to their danger being given to the American settlers at Los Mochis, and without notification to the Commander of the U. S. S. *Annapolis* at Topolobampo, that you intended to withdraw or that you had withdrawn all military protection previously afforded lives and property of American citizens at Los Mochis.

Had you informed the Commander of the U. S. S. *Annapolis* in time, he could at least, without possible offense to the Mexican Government, have directed his countrymen and their families to retreat to Topolobampo, where he could have afforded them safe asylum on board the *Annapolis*. That more, if not all, of the foreign residents at Los Mochis were not murdered when the place was

raided by Villista forces and a lot of drunken Indians seems extraordinary, and the forbearance of the said Indians must be attributed to their lack of aversion to American settlers, due to the kindly treatment that has always been accorded the Indians by the said settlers, and not to any protection afforded them by the forces under your command.

I cannot see that the conditions as I found them to be or as stated in your letter warrant me in believing that the American community at Los Mochis was afforded the protection which should have been given them, and which I was assured by General Dieguez would be given them.

I am convinced, however, since receiving your letter, and since my personal conference with you, that you appreciate how serious the consequences might have been and that you are now doing what is in your power to render lives and property safe. This is particularly gratifying as it is probable that the Indians, having made two successful raids on Los Mochis, will have greater confidence in the future, and their depredations and outrages will, if not prevented, be correspondingly increased.

You must understand that the United Sugar Companies, as well as the settlers in the Mochis district, have lost a great deal of property, particularly livestock, which they must have returned to them to reestablish the industries of the valley and reemploy the poor Mexicans who depend for their sustenance on the wages which they receive from the American settlers. Some of the livestock has been restored, but only a small percentage of what has been taken away.

I thank you for your assurance that the greater part of whatever was lost will be returned; and since you have given me this assurance I confidently rely on you to have every effort made to cause the return to rightful owners of all property which can be identified as belonging to the settlers, especially animals, so that the industries of the valley may soon be in full working order; and I also accept with confidence your assurance that ample protection will be afforded in the future.

Believe me [etc.]

C. McR. Winslow.

MURDER OF JOHN B. McMANUS, AN AMERICAN CITIZEN, AND PAYMENT OF AN INDEMNITY THEREFOR.

File No. 312.112M22/32.

The Brazilian Minister in charge of American interests to the Secretary of State.

No. 149.] Brazilian Legation,
Mexico, April 16, 1915.

Sir: With reference to the death of John B. McManus, for which an indemnity of $160,000 Mexican currency was paid by the Government of the Convention on the 29th day of March last, I have the honor to enclose herewith the following documents.

Assuring you [etc.]

J. M. Cardoso de Oliveira.

[Inclosure 1—Translation.]

The Brazilian Minister to the Post Commander, General Salazar.

Brazilian Legation,
Mexico, March 11, 1915.

My Dear General: In pursuance of our conversation, I have the honor to inform you of the facts relative to the death of the American citizen J. B. McManus. At about 9 o'clock this morning a group of Zapatistas appeared at this gentleman's stable on San Antonio Abad Street and forced open the entrance door of his house after having broken the seals which the Consulate of Brazil

had caused to be placed thereon and without any respect to the American flag over said house. Mr. McManus was thereafter killed on the roof of his house, which was then looted. As this deed constitutes a grave offense that may greatly injure your cause, in view of the American citizenship of the deceased, who was well known in this capital, I beg you to proceed to an immediate investigation and punishment of the guilty, in order to attenuate as far as possible the bad effect of this deed upon the American colony and the Government of the United States of America, and upon the Government of the Republic of Brazil on account of the violation of the seals of its Consulate.

I am sure you will give this case all the attention it demands, and I am [etc.]

J. M. CARDOSO DE OLIVEIRA.

[Inclosure 2—Translation.]

The Post Commander to the Brazilian Minister.

COMANDANCIA MILITAR,
Mexico, March 12, 1915.

MR. MINISTER: This office has received your letter of yesterday, in reply to which I have the pleasure of informing you that the requests therein made have been complied with.

I have [etc.]

AMADOR SALAZAR.

[Inclosure 3—Translation.]

The Brazilian Minister to the Chief of the Department of Foreign Affairs, Don Ismael Palafox.

BRAZILIAN LEGATION,
Mexico, March 13, 1915.

MR. CHIEF: I have the honor to enclose herewith a copy of a letter dated the 11th instant which I sent to General Amador Salazar, Comandante Militar of this post, relative to the assassination of the American citizen John B. McManus, which letter contains the data that this Legation has been able to obtain in regard to the facts. I earnestly request, under telegraphic instruction that I have received from the Department of State at Washington, that you immediately order an investigation in order to place the responsibility and apply appropriate punishment of those found guilty, and that you also arrange as soon as possible the manner of indemnifying the family of the deceased, which consists of his widow and four young children.

I avail [etc.]

J. M. CARDOSO DE OLIVEIRA.

[Inclosure 4—Translation.]

The Chief of the Department of Foreign Affairs to the Brazilian Minister.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 15, 1915.

In reply to your excellency's note of the 13th instant relative to the assassination of the American citizen John B. McManus, I have the honor to thank your excellency for the copy of the letter that you sent to General Amador Salazar.

I am glad also to inform your excellency that, as requested, orders have been issued for the immediate investigation for the purpose of placing the responsibility and punishing those found responsible for the assassination, and that the Mexican Government will endeavor to alleviate the situation of the widow and children of Mr. McManus by means of a pecuniary gift.

I avail [etc.]

ISMAEL PALAFOX.

[Inclosure 5—Translation.]

The Chief of the Department of Foreign Affairs to the Brazilian Minister.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 20, 1915.

Learning verbally from your excellency that my note of the 16th instant had not reached your hands, I have the honor to repeat it, as follows:

MEXICO, *March 16, 1915.*

In reply to your excellency's note of the 13th instant relative to the killing of the American citizen John B. McManus. I have the honor to thank your excellency for the copy of the letter that you sent to General Amador Salazar.

I am glad to inform your excellency that, as requested, orders have already been issued for an immediate careful investigation for the purpose of placing the responsibility and duly punishing the person or persons who may be found responsible for the homicide.

At the same time I wish your excellency to know how greatly we deplore this sad affair, which the Mexican Government and people have heard of with profound pain, both on account of the deed itself and of the fact that it concerned an American citizen, since it is well known that a great sympathy exists in Mexico toward North American citizens, who have fraternized with us so intelligently.

We are not unaware of the moral obligation to alleviate the sad situation of the widow and minor children of Mr. McManus, and for this reason I wish to express to your excellency the readiness of the Government to aid them pecuniarily by means of a donation in keeping with the needs of those injured.

I avail [etc.]

ISMAEL PALAFOX.

[Inclosure 6—Translation.]

The Brazilian Minister to the Chief of the Department of Foreign Affairs.

BRAZILIAN LEGATION,
Mexico, March 22, 1915.

I have the honor to acknowledge the receipt of your note of the 20th instant, relative to the killing of the American citizen John B. McManus.

While thanking you for the expressions of condolence therein, I take pleasure in informing you that I have telegraphed the substance of your said note to the Department of State at Washington.

I avail [etc.]

J. M. CARDOSO DE OLIVEIRA.

[Inclosure 7—Translation.]

The Chief of the Department of Foreign Affairs to the Brazilian Minister.

DEPARTMENT OF FOREIGN AFFAIRS,
Mexico, March 26, 1915.

Referring to the correspondence and interviews relating to the death of the American citizen John B. McManus, I have the honor of informing you that the President of the Sovereign Revolutionary Convention, charged with the Executive Power—

Deploring the unfortunate event that caused the death of Mr. John McManus, and considering that the sad condition of the widow of Mr. McManus imperatively requires immediate relief for her distress;

Considering that the rarity and painfulness of the case justify the Government in acting promptly, efficaciously and of its own accord in order to make clear the respect due from it in regard to the lives and interests of foreigners;

And, finally, considering that the abnormal conditions in which the Republic is placed make it entirely impracticable for those interested to present their claims in any other form—

Has decided, with the proviso that such decision shall not serve as a precedent in any case whether identical or similar, that the sum of one hundred sixty thousand pesos ($160,000) shall be paid to the widow and children of the deceased American citizen John B. McManus, in full compensation for the material damage caused them by the violent death of which Mr. McManus was the victim,

which sum will be delivered to the widow upon her express renunciation for herself and her minor children of all action in this connection to which she may consider herself entitled, such renunciation to be made through the agency of your excellency.

Orders have already been given to the foregoing effect, and the said sum is now at your excellency's disposition, and your excellency will please inform me whether Mrs. McManus will accept it on the condition stated, so that it may be delivered at once, and it is requested that your excellency will act in the matter as intermediary.

All the foregoing without prejudice to the continuation of the legal inquiry and the imposition of due punishment upon the person or persons who may be found responsible.

I avail [etc.]

ISMAEL PALAFOX.

[Inclosure 8—Translation.]

The Brazilian Minister to the Chief of the Department of Foreign Affairs.

BRAZILIAN LEGATION,
Mexico, March 29, 1915.

I have the honor to acknowledge the receipt of your letter of the 26th instant, relative to the payment of the compensation which the President of the Sovereign Convention, charged with the Executive Power, is ready to make to the widow and minor children of the American citizen John B. McManus on account of his violent death.

In reply, in the name of the Government of the United States of America, which I have the honor to represent here, as well as in behalf of the widow and children of McManus, and for myself, I hereby manifest to you the sincere gratitude that we feel toward the President of the Convention, charged with the Executive Power, for the promptness, liberality and efficacy with which the satisfactory settlement of this matter has been made.

In pursuance of the terms of your note, I communicated to Mrs. McManus the desire of your Government that she expressly agree as to the sum, and renounce for herself and minor children any action to which she might think herself entitled in this connection; in response, I have the honor to transcribe the answer of Mrs. McManus as follows:

MEXICO, D. F., *March 29, 1915.*

Señor J. M. CARDOSO DE OLIVEIRA,
In charge of American interests.

MR. MINISTER: In reply to your letter of the 29th instant relative to the indemnity of $160,000 which the Mexican Government is willing to pay for the material injury that we have suffered by reason of the violent death of my husband, Mr. John B. McManus, I have the honor of saying to you that if the said payment is made today, in bills of forced circulation, for the present I accept said indemnity in my name and in the names of my minor children, preferring that the payment be made in the form of a check in my favor drawn by the Government of the Republic. In case the payment is made on this date, I consider for the present that I receive the sum of $160,000 as full indemnity for the material injury caused to us by the violent death of which my husband was the victim, renouncing for myself and in the name of my minor children any action to which I might have a right in this matter.

I remain [etc.] RUTH G. WOOD, *Widow of McManus.*

Witness:
D. A. MCAULIFFE.
S. F. FULLER.

I avail [etc.]

J. M. CARDOSO DE OLIVEIRA.

[Inclosure 9—Translation.]

Receipts.

LEGATION OF THE UNITED STATES OF BRAZIL.

Received from the General Treasury, by order of General Roque Gonzalez Garza, President of the Convention, Charged with the Executive Power, the sum of One Hundred Sixty Thousand Pesos ($160,000) in a check Series

P No. 162425, dated today, on the Banco Nacional de Mexico, payable to the Señora Viuda de Mac Manus, said sum being the amount agreed upon for the payment to said lady and her minor children for the violent death of Mr. John B. McManus.

MEXICO, D. F., *March 29, 1915.*

J. M. CARDOSO DE OLIVEIRA,
Minister of Brazil, in charge of American interests in Mexico.

MEXICO, D. F., *March 29, 1915.*

Received from Mr. J. M. Cardoso de Oliveira, Minister of Brazil, in charge of American interests in Mexico, the check referred to in the foregoing receipt.

RUTH G. WOOD, *V'da de McManus.*

Witness:
CHARLES B. PARKER,
CARLOS ALBERTO YONIZ GONSILLEZ.

[Inclosure 10.]

Mrs. McManus to the Brazilian Minister.

MARCH 30, 1915.

MY DEAR MR. MINISTER: I wish to thank you for the great kindness which you have shown me during the past eighteen days, by securing in so short a time the liberal indemnity from the Mexican Government which was deposited to my account this morning.

No one can realize the anxiety from which this relieves me, left as I was without adequate support for my four small children. You have accomplished what seemed to all Americans an impossibility, and I have no words in which to express my gratitude.

With sincerest wishes [etc.]

RUTH W. MCMANUS.

File No. 312.112M22/32.

The Secretary of State to the Brazilian Minister to Mexico.

DEPARTMENT OF STATE,
Washington, May 13, 1915.

SIR: I have the honor to acknowledge the receipt of your No. 149 of April 16, transmitting correspondence regarding the payment of indemnity by the Administration of the Convention for the death of John B. McManus, which has been read with interest.

Thanking you [etc.]

W. J. BRYAN.

PROTECTION OF AMERICAN OIL INTERESTS.[70]

File No. 812.6363/146.

Consul Canada to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Vera Cruz, January 8, 1915.

In executive decree dated January 7 Carranza orders all development of oil lands in Mexico, and their operation without permission

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[70] Continued from For. Rel. 1914, pp. 690–718. This subject is closely related to the next three, especially Taxation and Forced loans.

of Constitutionalist Government, to cease immediately, and that work remain suspended until new laws governing the matter are enacted. He alleges properties being exploited exclusively benefit owners and to the detriment of nation, and that the Government has been defrauded of benefits which should accrue. As foreigners operate most properties, he states their privilege to appeal to their governments for protection gives rise danger of international complications which would embarrass the Government in revision of oil laws. Constitutionalist Government assumes the right to destroy work undertaken after promulgation decree, charging expenses therof to owners or managers. Well brought in subsequent to decree shall be national property.

Practically all oil lands in Mexico lie within territory still controlled by Carranza.

CANADA.

File No. 812.6363/147.

Vice Consul Bevan to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Tampico, January 11, 1915.

Penn-Mex Oil Company and the Aguilar Petroleum Company have been closed down by decree signed by Sub-Secretary of Fomento and authorized by First Chief of the Constitutionalist Army.

BEVAN.

File No. 812.512/538.

Consul Canada to the Secretary of State.

[Telegram.]

VERA CRUZ, *January 11, 1915.*

Department's December 24.[71] Foreign Office transmits communication Vera Cruz State Governor in which he manifests surprise that foreign oil companies ask protection when they are aiding rebels, alleging some of the stockholders in arms against Government, notwithstanding latter's efforts to establish order. Before protecting companies, it would be necessary to make them account for conduct, punishing them for hostility.

No reason given for requiring companies to make second payment of taxes.

CANADA.

File No. 812.6363/146.

The Secretary of State to Consul Canada.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 13, 1915.

Your January 8. Inform Carranza United States Government protests earnestly against applying to Americans and other foreigners

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[71] Id. 784.

decree suspending operation oil wells. Advise him serious complications and consequences will result if the right assumed of destroying property belonging to them is carried into effect.

BRYAN.

File No. 812.6363/161.

Vice Consul Bevan to the Secretary of State.

[Extract.]

No. 1344.] AMERICAN CONSULATE,
Tampico, January 14, 1915.

SIR: With further reference to my telegram to the Department dated January 11, 1915, reporting that several of the oil companies in Tuxpam had been ordered to close down on account of a new oil decree, I have the honor to transmit herewith a Spanish copy of the decree, and an English translation which includes the preamble which was not published with the decree in Tampico. * * *

If permission is refused to all of the oil companies operating in the Tuxpam, Panuco, Soto, La Marina and Topila oil fields, which so far has been the case, over one thousand American employees will be thrown out of positions; besides the Americans there will be a large number of foreigners and not less than 20,000 Mexicans. * * *

The Consular Corps met this morning at this office and discussed the local situation with Captain Rodgers of the U. S. S. *Delaware* and Captain McNamee of the U. S. S. *Sacramento*. It was the unanimous opinion that it would be wise for the United States Government to furnish transportation to all Americans out of employment, and especially to the destitute Americans now in Tampico. By getting them out of Tampico a serious element of danger will be removed. It would not be necessary to send a Government ship to Tampico or to pay the regular fare for passage; the oil companies that have steamers under the American flag would be only too glad to be allowed to carry their employees back to the United States on their tankers. * * *

I have [etc.]

THOMAS H. BEVAN.

[Inclosure—Translation.]

Decree of January 7, 1915.

Venustiano Carranza, First Chief of the Constitutionalist Army, Acting Chief Executive of the United States of Mexico, and Chief of the Revolution, by virtue of the extraordinary faculties with which I am invested, and

Considering that it is necessary to revise in a complete and radical manner the oil legislation of the country, carefully establishing rules and regulations in regard to the matters relative to the exploration and exploitation of the oil and gas deposits existing in the territory of the Republic, so as to avoid the oil industry's continuing to be developed, as it has been up to the present, only as a benefit to oil enterprises, with great damage to agriculture and to the waterway communications of the country, without the nation or the Government having received from said exploitations the just profits they are entitled to;

Considering that several oil companies have been installing oil conduits, carrying out works of exploration and exploitation, well-drilling, and other construction without proper authorization from the legitimate Government of Mexico, and that said works, arbitrarily done, have reached a great develop-

ment, especially during the troublous state of this country for the last four years, taking advantage of the lack of effective means of pressure that the Mexican Government could exercise;

Considering that it is necessary to stop this unlawful exploitation that would create more complications, thus embarrassing yet more the already difficult work of reversing the validity of such exploitation and of unifying the conditions of the oil property, which would constantly menace international conflicts because of the nationality of some of the oil enterprises, which apply with great facility to foreign governments for protection, notwithstanding that they do not comply with the just obligations that they have with the country from which they obtain immense wealth—

Therefore I have seen fit to issue the following:

Article 1. From this date, and until the compilation of specific laws governing the legitimate transportation of petroleum and its derivatives, works for the construction of oil conduits and drilling of wells, and in general all works in connection with the exploitation of petroleum, must suspend.

Article 2. Under no consideration may work be continued which is at the present time under way, even if they have permission granted by legitimate authorities, without first having special authorization from this Government.

Article 3. The violation of these provisions make the oil companies or their employees responsible for the damage resulting from these works when it is impossible to return matters to their original condition. The Constitutionalist Government may order the destruction of these works executed in contravention of the provisions of this decree at the expense of the company responsible for the construction, their administrators and managers, or any other person whatsoever who may be carrying out or directing such work.

The pools of petroleum encountered by virtue of operations executed in contravention of this decree will be considered the property of the nation.

V. CARRANZA.

VERA CRUZ, *January 7, 1915.*

File No. 812.512/538.

The Secretary of State to Vice Consul Bevan.

No. 755.] DEPARTMENT OF STATE,
Washington, January 15, 1915.

SIR: Referring to recent correspondence in the matter of the payment of taxes by the foreign oil companies, you are informed that the Department is in receipt of a telegram dated January 11, 1915, from the American Consul at Vera Cruz, Mexico, reporting that the Foreign Office has sent a communication to the Governor of the State of Vera Cruz, in which he manifests surprise that foreign oil companies ask protection when they are aiding the rebels and alleging that some of the stockholders are in arms against the Government notwithstanding the latter's efforts to establish order. Before protecting the companies it would be necessary to make them account for conduct, punishing them for hostility.

The Consul adds that no reason is given for requiring these companies to make a second payment of their taxes.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 812.6363/162.

Vice Consul Bevan to the Secretary of State.

No. 1345.] AMERICAN CONSULATE,
Tampico, January 16, 1915.

SIR: Referring to my despatch No. 1344 of January 14, 1915, I have the honor to enclose herewith a copy of a telegram received

by Daniel Perez, the local Inspector of Petroleum, from Pastor Rouaix, Sub-Secretary in charge of the office of the Secretary of Fomento, Colonization and Industries, giving an official interpretation of the recent oil decree ordering the companies to close down their operations.

I have [etc.]

THOMAS H. BEVAN.

[Inclosure—Translation.]

Replying to your message of yesterday, you may abide by the text of the decree on petroleum as published in El Pueblo. Article 1 refers only to work begun. Such operations must be suspended; not the operation of properties in actual production, and much less those who have paid all taxes and imposts up to date the suspension of which would cause serious damage. The object is to prevent the continuance of drilling further wells and prosecuting further construction without the authorization referred to in said decree.

PASTOR ROUAIX.

JANUARY 15.

File No. 812.6363/151.

The Confidential Agent of the Constitutionalist Government to the Secretary of State.

WASHINGTON, *January 17, 1915.*

MR. SECRETARY: I am directed by Señor Don Venustiano Carranza to inform your excellency that no confiscation is menacing foreign oil properties and that the only provision which was enacted refers to the general suspension of such works as were being conducted without authority from his Government; that oil wells under production are being operated without molestation; that several oil companies, taking advantages of our difficulties, were in all directions constructing pipe-lines, tanks, wharves, etc., and even attempting to sink new wells without permission from the Government. I am also directed to especially invite your excellency's attention to the fact that the above provision has been taken for another order, suspending shipments of oil, by two or three companies who declined to pay taxes already due and whose shipments amounted to something like a half a million dollars per month; but that this matter is now on its way to a satisfactory ending inasmuch as some of the companies have begun to pay the above-mentioned taxes.

I have [etc.]

E. ARREDONDO,

File No. 812.6363/154.

Vice Consul Bevan to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Tampico, January 22, 1915.

Government will not grant oil companies permission to resume drilling and construction work unless companies agree to abide by new petroleum laws in course of preparation, by signing following document;

As the object of the decree issued on the 7th of the present month by the First Chief of the Constitutionalist Army in charge of the Executive Power of the Nation is to prevent the construction of new work conflicting with the application of the new petroleum law that the Secretary of Fomento has under consideration, we hereby declare that in soliciting this permission we understand that this new work will be in every respect subject to whatever the prospective new law and regulations may determine, with which we are absolutely in conformity.

None of the Tampico oil companies will sign this document in its present form.

BEVAN.

File No. 812.6363/154.

The Secretary of State to Vice Consul Bevan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 25, 1915.

State to appropriate authority that companies should not be expected to agree to conform with prospective laws and regulations concerning provisions of which they are not informed, and that the United States Government protests against application of such requirement to American companies.

BRYAN.

File No. 812.6363/170.

Vice Consul Bevan to the Secretary of State.

No. 1354.] AMERICAN CONSULATE,
Tampico, February 6, 1915.

SIR: I have the honor to acknowledge receipt of the Department's telegraphic instruction of January 25, 1915, instructing this office to state to the appropriate authority [etc.]

I am transmitting herewith a copy of my letter to Señor J. Cabrera, Chief of the Petroleum Inspectors, protesting against the application of such requirements to American companies; also the official document sent by Señor Cabrera to the representative of the Cortez Oil Corporation ,and the company's reply to the same. Not only does the Government request that this company agree to conform with laws not yet enacted, but they desire strictly confidential geological information which costs thousands of dollars to obtain and which can be had only by actual drilling. The Government of the United States can not too strongly protest against such illegal procedure against American companies, for this would be a most dangerous precedent to establish.

All of the oil companies are awaiting developments. Practically all drilling and construction work of all kinds has been closed down and a large number of oil men have already returned to the United States.

I have [etc.]

THOMAS H. BEVAN.

[Inclosure 1.]

Vice Consul Bevan to the Chief of Petroleum Inspectors.

AMERICAN CONSULATE,
Tampico, February 5, 1915.

SIR: With reference to your official communication No. 43 dated February 3, 1915, addressed to the Tampico representative of the Cortez Oil Corporation, which has been referred to this Consulate, I have the honor to advise you that I have received instructions from the Honorable Secretary of State of the United States of America to advise you that this company should not be expected to agree to conform with prospective laws and regulations of the provisions of which the company has not been informed; and that the United States Government protests against the application of such requirements to American companies.

I have [etc.]

THOMAS H. BEVAN.

[Inclosure 2—Translation.]

The Chief of Petroleum Inspectors to the Tampico representative of the Cortez Oil Corporation.

No. 43.] OFFICE OF PETROLEUM INSPECTION,
Tampico, February 3, 1915.

In reply to your letter of February 1 in which, as representative of the Cortez Oil Corporation, you request permission to continue drilling operations at your well, located in the Juan Casiano Oil Zone, I advise you that permission of a provisional character is granted to you pending approval by the Department of Fomento, without which approval the operations shall again be suspended; and I caution you that this permission binds the company you represent to submit to the laws and regulations which the said Department will soon issue, and to waive the right to allege retroactivity. I further advise you that in order to exercise this permission it is necessary that you send to this office the following data:

General map of the district;

Conditions of lease entered into between the company and the land owner;

The present total depth;

Length and diameter of the casing now in the hole;

Map of the tract showing the location of the well, dams and tanks constructed for storage, auxiliary buildings and other structures, together with specification of completed construction, construction under way, and projected construction;

A geological chart, in a sealed and stamped envelope, bearing the inscription "Strictly confidential" in order to guarantee the interests of the company.

I am [etc.]

J. CABRERA.

[Inclosure 3.]

The Tampico representative of the Cortez Oil Corporation to the Chief of Petroleum Inspectors.

TAMPICO, *February 4, 1915.*

I have received your communication No. 43 of February 3, 1915, answering mine of February 1, wherein I, as representative of the Cortez Oil Corporation, requested through you permission of the Department of Fomento to place 6-in. casing in the company's well in the Juan Casiano district and to deepen it sufficiently to set this casing securely and properly cement it, the reason for this request being that we are unable properly to cement the 8-in. casing now in the well and that there is imminent danger that the well in its present condition will get beyond our control, causing great loss and damage to the company, the surrounding oil country and the farms in the vicinity,

I have carefully noted your answer and especially the part which says:

I advise you that permission of a provisional character is granted to you pending approval by the Department of Fomento, without which approval the operations shall again be suspended; and I caution you that this permission binds the company you represent to submit to the laws and regulations which the said Department will soon issue, and to waive the right to allege retroactivity.

The company at present has no representative in Mexico who has sufficient authority to accept these conditions and the manager here has had special instructions from the New York office to refer all important matters to the head office in New York for approval before acceptance. At the same time the company understands that it is operating in Mexico and must certainly respect and abide by all the laws of the country, and it has no intention of breaking or gainsaying any of the laws of the country.

The local management of the company is very anxious to do the work on the well; we have asked permission to do so because we realize the imminent danger of the well getting away from us at any moment, and we want to do everything in our power to avoid the losses and claims for damage that would undoubtedly come up should the well get beyond control. But we are afraid to start work on a provisional permission, for two reasons:

1. It is very dangerous to do anything to the well at all unless the work is to be finished, and we are afraid that before the work is finished word might come that the Department had not approved the provisional permission; and

2. Article 2 of the Decree of January 7 especially says that no legal permission will be recognized even if given by legal authorities unless approved by the Department of Fomento.

With regard to the date required, I am pleased to state the following:

General map of the district (attached);

Conditions of lease: Ten pesos per hectare per year rental until production, when rental ceases and 10% of the product is paid;

Actual depth of well, 2,065 feet;

Surface casing, 15½ in., 177 feet; 8-in casing, 2,065 feet;

The general map has the location of the well marked thereon; exact location of buildings we do not have but they are close to well on north side;

We have almost finished earthen storage of 75,000 bbls. capacity.

Geological information is in New York but will be sent to you as soon as we receive the same.

As the company is not asking for a permit to continue old work or begin new work but simply a permit to do some extra work on a finished well so as to make it safe and avoid losses to itself and others, again I beg you to please request by wire this permission from the Department of Fomento, assuring you that the company, when once they get the well secured, will keep it closed and await the new laws that are shortly to be enacted.

MORDELO L. VINCENT.

File No. 812.6363/171.

Vice Consul Bevan to the Secretary of State.

No. 1355.] AMERICAN CONSULATE,
Tampico, February 7, 1915.

SIR: I have the honor to transmit herewith a copy of a decree and its translation stating that all construction work erected on the federal zone without government permission will be confiscated by the Government; also a copy of a notice published in the Tampico newspaper to all the companies occupying the federal zone to present within a period of three days the documents that cover their permits to occupy said zone.

The federal zone is a strip of land twenty meters in-shore from the high-water mark; it extends as far inland as the tide. The permits for construction of wharves and buildings on the federal zone obtained during the Huerta administration are not recognized as legitimate by the present de facto Government. Besides, on account of the political unrest and the impossibility to get in touch

with persons authorized to give such permits, a number of the oil companies have erected buildings on this zone without special permits, with a view to obtaining them as soon as conditions settled. Such buildings were absolutely necessary and erected without permits because there was no Government representative in Tampico, and the telegraphic and railroad communication with Mexico City was cut.

If the dictates of this decree are carried out, all of the oil companies will be considerably damaged. * * * All action in regard to this decree is being held in abeyance while the companies are getting together what permits they have for use of the federal zone. * * *

I have [etc.]

THOMAS H. BEVAN.

[Inclosure 1—Translation.]

Decree of January 29, 1915.

Venustiano Carranza, First Chief of the Constitutionalist Army, in charge of the Executive Power of the Nation, and Chief of the Revolution, using the extraordinary faculties with which I am invested, and

Considering that on the lands of Federal jurisdiction in the maritime zones and on the banks of the rivers and, in general, on all lands belonging to the nation, there exist constructions and diverse works are exploited without concessions, contracts or legitimate privileges;

That, according to the provisions of the civil legislation of the Federal District, all works constructed on lands of the public domain without due authorization are the property of the nation by right of accession;

That even though contracts, concessions or permissions exist, they have almost invariably been based upon favoritism or lucre, without the nation deriving the benefit to which it has right;

That although in some cases the law allows the Secretary of Hacienda to grant permits or concessions for transient occupation of the federal zones, these should be a mere exception which will in no manner obstruct the common use of the common property; and

That the concessions made up to this date, especially in proximity to ports, have been granted in such number and with such lack of judgment that they have come to be true monopolies in some cases or, in other cases, extensive invasions of the federal zones for the benefit of individuals; whereby it becomes necessary not only to reestablish the public dominion over such property where the construction or occupation lack permission but also to revise the legitimately existing concessions and to take up such permits as do not have the necessary requisites and constitute advantages to individuals to the detriment of the common use—

I have seen fit to decree the following:

Article 1. From the date of this decree all works or constructions existing on lands of Federal jurisdiction without due and lawful authorization pass to the jurisdiction of the nation.

Article 2. The Secretary of Hacienda and Public Credit will at once prepare to take possession of the unauthorized works and will decide, in each case, whether the work is to be destroyed or otherwise disposed of.

Article 3. The contracts, permits or concessions considered by their possessors to be lawful will be subject to revision and revalidation by the Secretary of Hacienda and Public Credit, to whom the interested parties should apply within three months from the date of this decree. In territory not now occupied by troops under orders from this office, the said term of three months will be counted from the date on which such territory is occupied by troops of the Constitutionalist Army.

Article 4. The revalidation mentioned in Article 3 will not be conceded in cases where the said Secretary, on account of public utility, considers necessary the vacation of the premises or the expropriation of the works existing thereon.

V. CARRANZA.

VERA CRUZ, *January 29, 1915.*

[Inclosure 2—Translation.]

Notice.

TECHNICAL COMMISSION OF THE PORT,
TAMPICO, FIRST DISTRICT.

Victorio E. Góngora, Inspector of Ports, makes known to all those whom it may concern that from this date they should apply exclusively to the Inspection Office of the First District, in his charge, in regard to all matters pertaining to permits for occupation, concessions and constructions in the Federal Zone, either maritime or fluvial, in order that such applications may be forwarded through him to the office of the Secretary of Communications and Public Works.

He furthermore makes known to all those now occupying any part of the Federal Zone that they must present, within three days counted from the first of February, the documents that cover their permits of occupation.

The office is temporarily situated in the National Telegraph building.

Office hours are from 8 a. m. to 12 m. and from 3 p. m. to 6 p. m.

TAMPICO, *January 31, 1915.*

File No. 812.6363/173.

Vice Consul Bevan to the Secretary of State.

No. 1360.] AMERICAN CONSULATE,
Tampico, February 11, 1915.

SIR: With reference to my despatch No. 1354 of February 6, I have the honor to transmit herewith copies of communications between J. Cabrera, the chief oil inspector for the District of Tampico, the Cortez Oil Corporation, and this Consulate, in connection with an application for permission to continue special work to safeguard the company's well located at Tepatate in the State of Vera Cruz, which at the present time is in danger of coming in and flowing over the surrounding country, causing irreparable damage.

In answer to the protest of this office against American companies being expected to conform with prospective laws and regulations, the Chief Inspector, Señor J. Cabrera, advised this office in writing (inclosure 1) that permission had been granted the said company to continue this special work. I immediately conferred with Mr. Middleton, the Tampico manager of the company, and he advised me that he had received a letter from the Inspector (inclosure 2) stating that permission had been granted, but only on the conditions as expressed in the first letter, namely, conforming with laws not yet enacted.

Thereupon I acknowledged the letter of the Inspector and advised him that I had notified the Cortez Oil Corporation that permission had been granted to go ahead with their work (inclosure 3). As he had advised the company to the contrary, another letter (inclosure 4) was written by the company requesting a confirmation of the contents of the letter from this office stating that permission had been granted unconditionally. An answer was received stating that the permission granted was valid until the enactment of the new petroleum laws, which was all that the company had requested in the first place (inclosure 5).

The duplicity of this official may be clearly seen by this correspondence. He actually advised this office that the permission had been granted, and the company at the same time that it had not.

To make his statement to this office good, he issued the permit as it was requested in the first place.

Several other companies have requested similar permits, but he has referred them all to the Secretary of Fomento at Vera Cruz, who up to the present time has not even honored them with a reply.

I have [etc.]

THOMAS H. BEVAN.

[Inclosure 1—Translation.]

The Chief Inspector to Vice Consul Bevan.

No. 53.] TAMPICO, *February 6, 1915.*

SIR: In answer to your note of the 5th instant, I inform you that the provisional permit that I granted to the Cortez Oil Corporation does not imply that the said corporation must submit beforehand to laws and regulations of which it has no knowledge; it only stipulates that the permit is of a provisional character good only until the new oil laws go into effect, whereupon the said corporation will have to request a new permit, submitting to the law which will then have been brought to its notice.

I am [etc.]

F. CABRERA.

[Inclosure 2—Translation.]

The Chief Inspector to the representative of the Cortez Oil Corporation.

No. 52.] TAMPICO, *February 6, 1915.*

SIR: In answer to your request for a permit, made on the 4th instant, and amplifying my note No. 43 of the 3d instant, I inform you that the permit is granted to you by virtue of the authority given me by the Department of Fomento, and is not in conflict with Article 2 of the Decree of January 7, 1915, which refers to civil and military authorities that do not depend from said Department. For this reason you should not fear that my superiors will revoke the permit given by me, but you should request a new permit when the new laws and regulations have been issued.

With regard to the data that you have given me, I have taken due note of the same and trust that as soon as you have the missing data you will send it to me, also the data as to the enlargement and completion of storage facilities, as I have instructions to see that no loss of the riches of the nation, and consequent damage to neighboring landowners, be permitted in any way.

For this reason I repeat the permit that you ask for, under the conditions expressed in the said note No. 43, and you may continue your work immediately.

I am [etc.]

F. CABRERA.

[Inclosure 3.]

Vice Consul Bevan to the Chief Inspector.

AMERICAN CONSULATE.
Tampico, February 8, 1915.

SIR: I have received your esteemed note No. 53 dated the 6th instant and that literally says: [quoting Inclosure 1 above]. And I am today taking the matter up with the Cortez Oil Corporation, sending them a copy of your note. I thank you for your prompt answer [etc.]

THOMAS H. BEVAN.

[Inclosure 4—Translation.]

The representative of the Cortez Oil Corporation to the Chief Inspector.

TAMPICO, *February 8, 1915.*

SIR: I have received your note No. 52 of the 6th instant, answering mine of the 4th and amplifying yours of the 3d, No. 43.

I understand that this permission that you have given me is by virtue of authority given you by the Department of Fomento, and is not in conflict with Article 2 of the Decree of January 7, 1915, which refers to civil and military authorities that do not depend from said Department; and that for this reason we should not fear that they will revoke the permission given by you; but that we should request anew a permit when the respective laws and regulations have been given out.

I refer to the final part of your note No. 52, which says:

For this reason I repeat the permit that you ask for under the conditions expressed in the said note No. 43, and you may continue your work immediately.

I ask you to please make clear to me if I am to understand that the Cortez Oil Corporation can do the work that they have asked permission to do, without being obliged by this act to submit to the laws and regulations that will shortly be given out by the Department of Fomento, or if said enterprise is to submit to them as you advise me in your note No. 43 aforesaid.

I am [etc.]

MORDELO L. VINCENT.

[Inclosure 5—Translation.]

The Chief Inspector to the representative of the Cortez Oil Corporation.

No. 56.] TAMPICO, *February 9, 1915.*

SIR: In reply to your note dated the 8th instant requesting explanation of my notes Nos. 52 and 43 of the 6th and 3d instant respectively, I inform you that the permission conceded to you is valid only until new petroleum laws are issued, and after that date you may continue your works in accordance with the provisions of those laws.

I am [etc.]

F. CABRERA.

File No. 812.6363/171a.

The Secretary of State to Consul Canada.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 16, 1915.

Complaint is made by Huasteca Petroleum Company and Mexican Petroleum Company that, after they have overpaid taxes levied upon oil, Carranza has given orders forbidding shipments of petroleum. He also forbids further operating until a new decree is issued. This will do great injury to the company mentioned and other oil companies. Will you bring the matter to the attention of Carranza and secure what relief you can?

BRYAN.

File No. 812.6363/171.

The Secretary of State to Vice Consul Bevan.

No. 720.] DEPARTMENT OF STATE,
Washington, February 18, 1915.

SIR: The Department has received your despatch No. 1355 of February 7, 1915, enclosing [etc.]

If the American companies concerned desire the Department to protest against the application to them of the provisions of the decree referred to, they should so inform the Department.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 812.512/564.

Consul Canada to the Secretary of State.

No. 1144.] AMERICAN CONSULATE,
Vera Cruz, February 20, 1915.

SIR: I have the honor to refer to the Department's telegraphic instructions of December 24, and my telegraphic reply of January 11, relative to the second payment of oil taxes at Temapache and to transmit enclosed herewith the complete reply of the Constitutionalist Foreign Office embodying a statement of the Governor of the State of Veracruz in regard to the matter.

I have [etc.]

WILLIAM W. CANADA.

[Inclosure—Translation.]

No. 136.] DEPARTMENT OF FOREIGN RELATIONS,
Veracruz, January 8, 1915.

Mr. CONSUL: The Governor of the State of Veracruz, General Cándido Aguilar, in a despatch of the 28th of December last, advises me as follows:

I have the honor to refer to your despatch No. 75 of this date, in which you kindly insert the note which Mr. William W. Canada, Consul of the United States of America in this city, addressed to your Department complaining that the authorities of Temapache are exacting of the foreign petroleum companies in the vicinity of Tampico the payment of a second tax; and you, for your part, ask me to order the proper authorities to give the companies concerned the guaranties to which they are entitled. I am pleased to inform you that this Government under my charge has always tried to give natives as well as foreigners residing in this federative unit such guaranties; but I am greatly surprised that the foreign petroleum companies in the vicinity of Tampico should ask for guaranties from this State when they are themselves the first to aid the rebels which are disturbing the public peace, such as Manuel Peláez and certain others. And not only this, but their stockholders go forth, arisen in arms against this Government, which is putting forth every effort to guarantee order and tranquility. In order that this Government might give guaranties to said companies, it would be necessary for it to exact responsibilities of, and severely punish, them, inasmuch as the conduct they have observed, aiding the revolutionists of that region directly, is a patent proof of the hostile attitude openly assumed against this Government.

And I have the honor to transcribe the same to you in reply to your note dated the 24th ultimo, reiterating assurances of my consideration.

M. DÁVALOS.

File No. 812.512/556.

Vice Consul Bevan to the Secretary of State.

No. 1263.] AMERICAN CONSULATE,
Tampico, February 21, 1915.

SIR: I have the honor to transmit herewith a copy of the land manifestation decree of General Carranza, and its English translation, which was issued on the 19th of September, 1914. Little attention was paid to this decree at the time. It was not officially published in Tampico until November 11, 1914. On the same day a decree was issued by Raul Garate, Acting Governor of the State of Tamaulipas, extending the time in which to present the manifestations to which Article 5 of the decree refers, until the 31st of December, 1914.

On account of the abnormal conditions existing throughout the State, General Luis Caballero, Governor of the State of Tamaulipas, issued another decree on the 28th day of December extending the time sixty days longer. This will make the time of expiration Febru-

ary 28, 1915. A number of foreigners desiring to comply with the requirements of this decree have applied at the Municipal Treasury where the special forms for manifestation were to be obtained and were told by the officials that the forms were not yet printed. Several people applied at this office four or five times with the same result. They were told, however, that they need not worry as the time would undoubtedly be again extended. On February 19 a notice was published in the Tampico daily paper advising that the Municipal Treasury had received a supply of the forms for manifestation of property, and that they were on sale at the said office.

As this is the only form on which the manifestation can be made, it was, up to the 19th of February, impossible for any one to comply with the decree. On the morning of the 19th, after the notification that the forms were on sale, I sent to the office for copies and was advised that only forms 1 and 2 were ready, and that form 3 could be obtained the following day. This would give the property holders barely eight days in which to make the manifestation, notwithstanding the fact that time for making the same was extended from September 19 until February 28, 1915. However, the time will most likely be again extended.

According to article 10 of the decree, those who do not make their manifestations within the term stipulated will be fined 5 per cent, and will be subject to the valuation put on their property by the Assessment Committee, which committee according to article 6 retains the right to purchase the property at their own figure. This amounts to confiscation pure and simple.

A number of the oil companies that own land in fee are deeply concerned as to the action of the Government in regard to this decree. The unproven oil land which was purchased years ago for insignificant amounts, on which taxes have been paid in proportion to the agricultural value up to the present time, may be valueless or worth millions of dollars. It is impossible to estimate the value of such land until wells have been drilled. This is the question that confronts the oil men. If they place a valuation too low, they stand the chance of expropriation by the Government; on the other hand if they fix a high valuation they will have to pay taxes in proportion.

I have [etc.]

THOMAS H. BEVAN.

[Inclosure 1—Translation.]

I, Venustiano Carranza, First Chief of the Constitutionalist Army, in charge of the Executive Power of the Union, by virtue of the powers conferred upon me in accordance with the Plan of Guadalupe, and considering that it is of the utmost importance to reorganize the Tax List in the whole Republic, in order that the Governments of the States as well as the General Government may know exactly the true wealth of the country and so may rationally and equitably distribute the taxes on the tax-payers, have thought fit to issue the following decree:

Article 1. In order to form the Tax Office of the Republic, there shall be established in each district of the States of the Republic a committee which shall be called "Assessment Committee" the purpose of which will be to register the real estate, fix its value and the amount of the capital invested.

Article 2. The aforementioned Committee shall be composed of the Tax Collector, the Municipal Treasurer and three tax-paying citizens, who shall be chosen by the first political authority in each district.

Article 3. The Committee shall be organized within eight days after the publication of this law and shall proceed at once to elect among its members a President and two Secretaries; it being permitted to act when three of the members are present, in case the others are absent.

Article 4. After the Assessment Committee has been installed, it shall at once publish this fact in order to notify the inhabitants of the district, by means of the press and notices fixed on the walls along the streets, making this distribution of notices as liberal as possible, setting forth therein the place where the Committee meets and the hours in which the daily sessions take place, in order to receive and dispatch the matters they are to handle according to this law.

Article 5. Every proprietor or possessor of an usufruct, possessor or administrator of capital existing in the Republic, and invested in rural, urban and movable (live-stock) property, and mercantile, industrial, and manufacturing business, is obligated to present before the Assessment Committee of the district in which said property is located a detailed statement of all of the property, in conformity with the form, copy of which is printed at the end of this law, within a term not to exceed one month.

Article 6. The statements in question must set forth the location and size of the rural and urban properties, and with regard to the urban properties, the number of rooms and the material they are composed of. They must also state, in each case, the value of each one of the properties or businesses which constitute the capital of the manifestant; in the understanding that the Government shall have the right, in case of expropriation for the sake of public service, to pay to the interested parties as indemnity the value which is definitely fixed in the Tax List.

Article 7. Each statement shall be signed by the proprietor or his legal representative, setting forth in same the address of his residence.

Article 8. The presented statements shall be examined separately, the decision thereon being noted on the edge of the same, whether they be approved in full, whether they be reformed or whether any properties which might have been omitted be added. The decision taken in each case shall be authorized by the president and the secretaries of the Committee.

Article 9. The Assessment Committees shall obtain from the respective Tax Offices and the district treasuries the data which they may judge necessary for the prompt discharge of their duties, and they must listen to and take into consideration the denunciations which may be presented to them regarding the low assessment of properties and capitals.

Article 10. The tax-payers who do not present their statements within the term stipulated in Article 5, shall be fined five per cent of the value of the property they keep secret; they shall be subject to the valuation of their property to be made by the Assessment Committee, and to the provisions of Article 6.

Article 11. After the Assessment Committee has finished its work, for the consummation of which it will have sixty days, it shall at once make up a list in duplicate containing the register of the capital and property revised by it, determining the value in each case. A copy of said list shall be posted in plain view of everybody outside of the building where its work is carried on, for the information of the interested parties, and the Committee shall retain the duplicate.

Article 12. The tax-payers who believe themselves injured through the assessment made by the Committee according to the foregoing articles, can make, within fifteen days following the publication of the list mentioned in the foregoing article, a complaint in writing, so that the Committee may make a just decision.

Article 13. There shall also be formed a Board of Equalization in the capital of each one of the States, to which the Assessment Committees must remit the result of their work, and the principal object of which shall be to definitely decide the complaints or claims of the tax-payers regarding the assessment of their properties or capital.

Article 14. The Board of Equalization shall be composed of the Governor of the State, the Treasurer, and three members who shall be selected by the first named.

Article 15. When finishing this work, the Board of Equalization shall form three lists of the properties definitely revised, of which they shall retain one,

remitting another to the General Treasury of the State with all of the papers, and the third to the Department of Treasury.

Article 16. The Governments of the States shall have as basis the assessments made in accordance with this law in order to fix the taxes of the State and of the District.

Done at the National Palace, Mexico, September 19, 1914.

V. CARRANZA.

[Inclosure 2.]

[This is a decree, dated November 11, 1914, by Acting Governor Raul Garate of the State of Tamaulipas, promulgating a decree by Carranza, dated October 27, 1914, extending to December 31, 1914, the term in which to file the statements required by Article 5 of the Decree of September 19, 1914 (inclosure 1).]

[Inclosure 3.]

[This is a decree by Governor Luis Caballero of the State of Tamaulipas, dated December 28, 1914, providing that the term for filing tax statements required by Article 5 of the Decree of September 19, 1914 (inclosure 1), be extended "for sixty days," without specifying the date from which the sixty days is to run. It makes no reference to the Decree of November 11 by the Acting Governor (inclosure 2), extending the Decree of September 19 to December 31.]

File No. 812.512/556.

The Secretary of State to Vice Consul Bevan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 5, 1915.

Your 1263, February 21. If authorities attempt enforce decree mentioned, immediately inform Department and strongly protest on grounds confiscatory provisions, apparent injustice oil companies and lack sufficient notice. Advise Department whether oil companies or other Americans desire protest against decree presented to Carranza authorities.

BRYAN.

File No. 812.6363/174.

Vice Consul Bevan to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Tampico, March 5, 1915.

Carrancista officers at Ebano, expecting attack, threaten to burn all wells and stores to prevent Villistas obtaining fuel in case of defeat. Commander in Tampico not very forcible in his denial that this is contemplated.

BEVAN.

File No. 812.6363/174.

Consul Canada to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Vera Cruz, March 6, 1915.

Wireless from Tampico:
[Quotes next above.]
Silliman advised.

CANADA.

File No. 812.512/576.

Vice Consul Bevan to the Secretary of State.

No. 1369.] AMERICAN CONSULATE,
Tampico, March 6, 1915.

SIR: I have the honor to transmit herewith a copy of a notice [72] in regard to the payments on the stamp tax for petroleum, ordering that all future payments for this tax be made to the general director of the stamp office in Veracruz instead of in Tampico, where they have been paid heretofore.

This notice has already caused a great deal of friction between General Pablo Gonzalez, in command of the Army of the Northeast, who has his headquarters in Tampico, and the First Chief in Veracruz. General Gonzalez has appropriated all the money collected in the custom house in Tampico, and from the stamp office, for his own use for official purposes. A collector of customs appointed by General Carranza refused to turn over $27,000 U. S. Cy. to General Gonzalez and was immediately removed from office by Gonzalez for not doing so. Gonzalez obtained the money and appointed his successor.

It remains to be seen whether the order will be enforced by the local authorities. The oil companies are expecting trouble over the matter when the time comes on the 15th of March for making the payments.

I have [etc.]

THOMAS H. BEVAN.

File No. 812.512/575.

Vice Consul Bevan to the Secretary of State.

AMERICAN CONSULATE,
Tampico, March 8, 1915.

SIR: With further reference to my despatch number 1263 of February 21, I have the honor to transmit herewith a copy of a decree and its English translation [72] issued by Governor Luis Caballero on the first day of March, again extending the time for the presentation of manifests of property located in the State of Tamaulipas.

This decree postpones until the first of May any action that could be taken by the Carrancista officials relative to the expropriation of

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[72] Not printed.

foreign property, and gives the property owners ample time to make their manifestations.

I have [etc.]

THOMAS H. BEVAN.

File No. 812.6363/178.

Consul Canada to the Secretary of State.

AMERICAN CONSULATE,
Vera Cruz, March 8, 1915.

SIR: I have the honor to acknowledge receipt of the Department's telegraphic instructions of January 13, 1915, protesting against the application to Americans and other foreigners of the decree suspending the operation of oil wells, and to transmit enclosed herewith the reply of the Constitutionalist Foreign Office to my representations.

I have [etc.]

WM. W. CANADA.

[Inclosure—Translation.]

DEPARTMENT OF FOREIGN RELATIONS,
Vera Cruz, January 14, 1915.

MR. CONSUL: Answering your note of yesterday's date, in which in the name of your Government you formulate a protest with regard to the suspension of work on oil wells, I inform you that due note has been taken of your protest.

Please accept [etc.]

M. DÁVALOS.

File No. 812.6363/174.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 9, 1915.

See Canada's March 6. Make vigorous protest against threatened destruction. Request appropriate immediate orders.

W. J. BRYAN.

File No. 812.6363/176.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

VERA CRUZ, *March 10, 1915.*

Department's March 9. Immediate order requested preventing threatened destruction.

SILLIMAN.

File No. 812.6363/177.

VERA CRUZ, *March 18, 1915.*

In view of possibility of Constitutionalist defeat at Ebano, I have again today repeated to the Government here the instruction contained in Department's March 9.

SILLIMAN.

File No. 812.6363/184.

Consul Canada to the Secretary of State.

No. 1174.] AMERICAN CONSULATE,
Vera Cruz, March 22, 1915.

SIR: I have the honor to acknowledge the receipt of the Department's telegraphic instructions of February 16, relative to complaints of the Huasteca Petroleum Company and the Mexican Petroleum Company regarding molestations in their operations and in the shipping of oil, and to transmit enclosed herewith the reply of the Constitutionalist Foreign Office to my representations in the premises.

I have [etc.]

WM. W. CANADA.

[Inclosure—Translation.]

The Foreign Office to Consul Canada.

DEPARTMENT OF FOREIGN RELATIONS,
Vera Cruz, March 9, 1915.

MR. CONSUL: The Department of the Treasury and Public Credit, in its note No. 5977 dated March 2, informs this Department as follows:

I have received your despatch dated the 19th of February last, relative to the representation which Consul William Canada makes with regard to the complaint of the Huasteca Petroleum Company and the Mexican Petroleum Company. For your information I beg to state that it is not true that those companies are prohibited from embarking their fuel, as on the 16th of February, which is the date of Mr. Canada's note, the companies referred to were embarking petroleum; and neither is it true that those industries are forbidden to continue operating until a new decree is issued.

Which I have the honor to transcribe to you in answer to your note of the 16th of last February, availing [etc.]

UBUETA.

File No. 812.512/576.

The Secretary of State to Vice Consul Bevan.

No. 786.] DEPARTMENT OF STATE,
Washington, March 26, 1915.

SIR: The Department has received your despatch No. 1369 of March 6, 1915, transmitting a copy of a notice in regard to the payments on the stamp tax for petroleum, [etc.].

You are instructed to report the developments in this case.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 812.6363/178a.

The Secretary of State to Vice Consul Bevan.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 30, 1915.

If an engagement is threatened near Tampico, you will please confer immediately with the respective leaders and caution them against the destruction of the oil properties, pointing out the danger of conflagration and the possibility of great damage being done to both life and property.

BRYAN.

File No. 812.6363/179.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 3, 1915.

Department informed through Navy and oil companies of serious situation at Ebano; that distillate plant of Huasteca Petroleum Company, with 5000 barrels distillates, destroyed; that two tanks each containing 40,000 barrels petroleum, demolished; that tank containing 55,000 barrels set on fire and completely destroyed; and that this destruction was unnecessary, and done by Constitutionalist forces. American oil interests fear destruction of property will extend to Tampico fields also, unless vigorous action is taken to curb lawlessness.

Bring above to Carranza's attention and point out that destruction of property can be of no advantage to either side. Urge him to issue definite orders at once to his military commanders to prevent further damage to oil tanks and plants.

BRYAN.

File No. 812.6363/180.

Special Agent Silliman to the Secretary of State.

[Telegram—Extract.]

VERA CRUZ, *April 5, 1915.*

Ebano situation has been closely kept up with; repeated representations made. * * * As long as there is fighting at Ebano, these tanks are very likely to be pierced. The great danger is that destruction may spread to the wells. Our reports are that fighting there, which began nearly a month ago, still continues today. Government here assures there will not be unnecessary premeditated destruction.

SILLIMAN.

File No. 812.6363/183.

[Telegram.]

VERA CRUZ, *April 20, 1915.*

In a written communication yesterday the Foreign Office, referring to my instructions, particularly to the representation made regarding the protection for oil properties at Tuxpam, states that

it has noticed with much pain a brusque and unusual tone and a strangely imperative text in the Department's messages. This circumstance is greatly lamented, since the Government is making every effort it can and is giving due attention to the petitions and claims of the Department insofar as they are just.

SILLIMAN.

File No. 812.512/609.

Vice Consul Bevan to the Secretary of State.

[Extract.]

No. 1415.] AMERICAN CONSULATE,
Tampico, April 9, 1915.

SIR: I have the honor to acknowledge receipt of the Department's instruction No. 786 of March 26, relative to the recent order to the oil companies to make future payments for the stamp tax in Vera Cruz. * * *

Unless otherwise instructed, the oil companies will make the next payment of the oil tax direct to Vera Cruz.

I have [etc.]

THOMAS H. BEVAN.

File No. 812.6363/198.

No. 1527.] AMERICAN CONSULATE,
Tampico, September, 30, 1915.

SIR: I have the honor to transmit herewith a copy of a decree and its English translation issued by the First Chief of the Constitutionalist Army, Don Venustiano Carranza, on August 14, 1915.

The decree prohibits the drilling of wells for petroleum within thirty meters of the boundaries of their properties.

I have [etc.]

THOMAS H. BEVAN.

[Inclosure—Translation.]

Decree of August 14, 1915.

Article 1. In the future no person or company will be permitted to drill wells for the production of petroleum within thirty meters of the boundaries of their lands.

Artitcle 2. Attached to the petition for the drilling of the wells there must be enclosed by the parties making petition a detailed plan of the district, on which must be shown clearly the point or points of drilling, showing distance from the boundaries of the lands, and, in case of proximity to waterways, roads, or towns, the distance from these.

File No. 812.6363/200.

No. 1546.] AMERICAN CONSULATE,
Tampico, November 23, 1915.

SIR: I have the honor to transmit herewith a copy of a decree and its English translation issued by the First Chief of the Constitutionalist Army on the fifteenth of November, 1915. * * *.

I have [etc.]

THOMAS H. BEVAN.

[Inclosure—Translation.]

Petroleum Circular No. 11.

DIVISION OF MINES AND PETROLEUM,
DEPARTMENT OF PETROLEUM.

This Department, in order to comply with the decree issued in Vera Cruz on the 8th [7th?] of January of the present year by the First Chief of the Constitutionalist Army, charged with the Executive Power of the Nation, and taking into account:

That it is absolutely necessary to favor the public interests, which are frequently deceived by companies or individuals who claim to be proprietors of lands in the development of petroleum and its kindred substances, in many instances the existence of such companies being imaginary, or not uniting the indispensable conditions to guarantee the people who buy oil shares;

That similar companies, of good faith, dedicated to the same purposes, suffer grave injury to their interests because of lack of confidence infused into the public, not knowing the status of companies or individuals who propose the sale of oil shares or stock;

Therefore the Government must remedy these evils, and, in order to apply all of the remedies which are at its command for giving due impetus to an industry of such national importance—

Has decreed the following:

First. Within the term of two months counted from the date of this order, all of the companies or persons engaged in the oil industry shall register in the office of this Department and present a declaration in duplicate containing the following data:

A. The name of the company or persons interested in oil matters.
B. The principal residence and offices and branch offices in other parts of the Republic.
C. The capital invested.
D. If an incorporated company, furnish the following:
   1. Under what laws the company is organized.
   2. Who are the organizers of the company.
   3. Who are the directors and board of managers at the present time.
E. Properties:
   1. Number of lots, their location, designating the hacienda, municipality, canton, district and state.
   2. Area occupied; date of acquisition.
   3. Place where the contract was recorded, and the person who sold.
F. Leases:
   1. Enumeration of the lots.
   2. Their location, citing the hacienda, municipality, canton, district and state.
   3. Area of the surface of the land.
   4. Owner of the land.
   5. Time of the duration of the contract.
   6. Conditions of the lease.
   7. Date of the lease, and place where it was recorded.
G. Camps:
   1. Their name and location.
   2. Number of projected wells.
   3. Number of wells in course of drilling.
   4. Number of producing wells.
   5. Depth of each well.
   6. Capacity of production of each well.
H. Pipe lines:
   1. Location and description of the installations.
   2. Length and diameter of the pipe lines.
   3. Their daily capacity for conveyance.
   4. Location, name and number of pumping stations.
   5. Number of tanks for the storage of oil, their location, capacity, and the material of which they are constructed.

Second. The persons or companies who do not present said declaration for registration in this Department, within the time indicated, will not be recognized as having any legal existence, nor will they be granted permission for the exploration and exploitation of petroleum, in conformity with the decree of January 8 [7?] of this year already mentioned.

The foregoing is brought to the attention of the companies and persons engaged in the petroleum industry by publication for three successive times in the official newspaper El Constitucionalista for its fulfillment.

PASTOR ROUAIX.

MEXICO, *November 15, 1915.*

PROTECTION OF AMERICAN MINING INTERESTS.[73]

File No. 812.63/42.

Vice Consul Guyant to the Secretary of State.

No. 328.] AMERICAN CONSULATE,
Ensenada, February 8, 1915.

SIR: It has come to my notice that mining titles in this district (and, I presume, in all Mexico) granted during the period in which General Huerta governed Mexico have been nullified by the succeeding authorities.[74] Most of the mining claims denounced in this district during that period were denounced by Americans and the decree means that the fee of 10 pesos per pertenencia (100 meters square) and the first year's taxes must be lost by them and the claims abandoned or redenounced. In a particular case which has come to my notice one man denounced 120 pertenencias in April 1912 and received his title on March 28, 1913. His title was declared invalid January 22, 1915, and he was given till March 31, 1915, to redenounce the property at a cost of 1200 pesos, though his fee had been paid by him when he made the original denouncement.

The above is for the Department's information and such representations as are deemed advisable.

I have [etc.]

CLAUDE E. GUYANT.

NOTE.—On February 16, 1915, Carranza's Department of the Treasury issued its Circular No. 8, relative to the nullity of payment of federal taxes made to pretended authorities. It is printed as inclosure with Mr. Davis's No. 557 of May 8, 1915, under the heading Taxation of American Citizens.

File No. 812.63/42.

The Secretary of State to Vice Consul Guyant.

DEPARTMENT OF STATE,
Washington, March 3, 1915.

SIR: The Department has received your despatch No. 328 of February 8, 1915, reporting [etc.]

You will inform the Department as to the method employed by the authorities in giving notice of the nullification of mining titles and if such notice was given by means of a decree you will forward a copy of such decree.

You will inform the appropriate authorities that the United States Government expects that American owners of mining titles in your district, who acquired their titles in good faith and in conformity with Mexican law, shall not be deprived of such titles except upon terms of equitable compensation and by due process of law.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

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[73] Continued from For. Rel. 1914, pp. 718–730. This subject is closely related to the next preceding and the two following.

[74] See For. Rel. 1914, p. 726, for the Brazilian Minister's despatch No. 68 of October 30, 1914, giving the text of Carranza's decree of August 29, 1914; and p. 723 for his telegram No. 165 of September 28 and despatch No. 43 of September 29 giving summary and text of Circular No. 1 issued September 3 in pursuance of that decree.

File No. 812.63/45.

Consul Letcher to the Secretary of State.

No. 604.] AMERICAN CONSULATE,
Chihuahua, March 27, 1915.

SIR: I have the honor to forward herewith for the Department's information copies of a decree reforming the mining laws of Mexico which has just been issued by the Villa Government from the office of the Department of Fomento. A translation is also enclosed.

This decree constitutes the most radical measure touching the mining interests that has been advanced by any faction engaged in the present revolution, and a close study of its provisions will reveal its character to be no less than a measure designed to bring about the practical confiscation of mining properties throughout Villa territory, since it is practically impossible for owners of claims and developed mines to comply with the requirements laid down. The action indicated realizes one particular of a prediction the undersigned has privately been making for more than a year past, and puts into a practical shape what he has believed to be and has pointed out as being the ultimate aspiration of the present movement in this country.

A further report upon the general effects of this decree will be made so soon as it is possible to give appropriate study to the question. In advance of this prospective report, I venture to call attention to the following paragraph from the Introduction to the Mining Laws of Mexico (Lic. Rodolfo Reyes: 1910: American Book Co.) page 4, which epitomizes the relation between grantor (the Mexican Federal Government) and grantee, which has formed the basis of all past transactions in ore-bearing properties (oil and coal excepted), the provisions of which are entirely abrogated now by this new decree. The paragraph indicated is as follows:

> Once the mineral patent or title is issued, the grantee acquires what is known to the common law as a base, qualified, or determinable fee in the deposits. In plain language, he is the absolute owner of the mining grant so long as the mining tax is paid punctually. The nation, on the other hand, is the direct owner of all mineral deposits until actually granted; and upon grant, retains therein a contingent reversionary interest, conditioned upon a failure at any time to pay the mining tax.

It may be noted that the great majority of mineral claims held by foreigners—and principally by Americans, who are the leading developers of mining properties in Mexico because of their superior methods both in the technical operation of the mines as well as in systematic business management of them—have been bought from Mexicans at good figures; and, in addition, that large sums have been expended in the payment of what are known as "pertenencia taxes," the pertenencia, a hectare in extent, being the unit of mine grants. There are many Americans who have bankrupted themselves in the mere payment of taxes on their mining claims, and the application of [apparent omission] their claims at this time will work better [bitter] hardships upon them.

I have [etc.]

MARION LETCHER.

[Inclosure—Translation.]

Mining decree issued by Francisco Villa at Monterey, March 19, 1915.

DECREE NO. 5.

LAW RELATING TO THE FORFEITURE OF MINING PROPERTIES.

I, Francisco Villa, General-in-Chief of Operations of the Conventionist Army, do hereby make known to the inhabitants of the Republic:

That by virtue of the extraordinary powers conferred upon me by the Decree of February 2, 1915,[75] issued in the City of Aguascalientes, and

Whereas the voluntary suspension of mining operations without sufficient reason therefor is prejudicial to the nation, since sources of wealth necessary to the general welfare are thereby withdrawn from use, and because the public revenues are thereby lessened through the nonpayment of taxes that would accrue in case of permanent exploitation; and

Whereas the payment of the present tax on mining claims should not, according to the Constitution of the Republic, imply a monopoly of the properties involved, which would be the case if the grantee of a mining claim were to base his title only on the payment of the said tax, since thus, merely by the payment of a small fee, a source of wealth could be withheld from the commerce of the world for the exclusive enjoyment of the grantee; and

Whereas the foregoing considerations are just now of an importance all the greater because, in view of the condition of the country, it is necessary, on the one hand, that the Treasury lose none of its income, indispensable to the discharge of its obligations, now increased by war, and, on the other hand, that the Revolution realize as far as possible its aspirations, one of which is the abolition of all monopoly; and

Whereas not only on account of the public utility—recognized by the mining laws—which the exploitation of the claims promotes or which is derived from the transactions arising from exploitation, should the Government endeavor to prevent the decay of the mining industry, but also on account of the notorious injuries resulting from a falling off of mining activity, which might at the present juncture cause fresh disorders in addition to the sufferings of the needy—

Therefore I have seen fit to decree the following:

Article 1. Article 51 of the Mining Law[76] is amended to read as follows:

Article 2. The terms "voluntary suspension" and "abandonment" shall be construed to mean cessation of mining operations for sixty days or more except in case of accident or force majeure, to be defined by the Secretary of Fomento. The maintenance of a watchman or a corps of employees in charge as caretakers of a property shall not be considered to be mining operations unless at the same time interior work is being done in the mine.

Article 3. Every individual or company at present holding a mining claim, or to whom in the future a mining claim may be granted, must maintain in activity at least one exploitation work within each five contiguous pertenencias or fraction thereof, it being understood that such an exploitation work is a shaft, pit, tier, tunnel or other works, whatsoever its name may be, which is required for the process of extraction, and not such as serve merely for access to the works.

Article 4. The provisions of the preceding articles shall not prejudice the maintenance in good order of the timbering and other necessary work to insure safety and health in the interior of the mine.

Article 5. In mines now abandoned, or in which work is now suspended, work shall be renewed in the manner prescribed by Articles 3 and 4 hereof, within one hundred and twenty days from the date of the promulgation of this decree.

Article 6. A period of one hundred and twenty days shall also be allowed to each person or company possessing a claim of more than five pertenencias

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[75] See, under Political Affairs, the third inclosure with Mr. Llorente's communication of March 8, 1915.

[76] The law of December 11, 1909, which defined the condition under which mining property could be forfeited, namely, non-payment of the mining tax in accordance with the provisions of the law.

Article 51. Mining property shall be forfeited by non-payment of taxes in accordance with the law pertaining to such payment; by voluntary suspension of working the mines, by abandonment of such works; and by inadequate exploitation.

which have not been exploited as abovesaid, within which to put them in working order in conformity with this decree, except in case of forfeiture of the property because of failure to pay the taxes thereon.

Article 7. If such person or company shall have failed to pay the taxes on such property, a period of ninety days shall be allowed, from the date of the promulgation of this decree, for the payment thereof and the initiation of work on said property.

Article 8. No individual may hereafter denounce more than fifteen contiguous pertenencias; and no company may denounce more than one hundred and fifty pertenencias in the same mining district; provided, that when the Secretary of Fomento, upon expert information, ascertains that the nature of the minerals or lands to be exploited is such as to require for their exploitation a greater number of pertenencias than herein specified, the number thereof may be increased.

Article 9. For the purposes of this decree that relate to forfeiture on account of voluntary suspension or abandonment whether recent or longstanding, or because of the inadequacy of the exploitation, the mining Agent shall inform the Department of Fomento of each case in which the aforesaid period of sixty, ninety, or one hundred and twenty days shall have passed without the prosecution, renewal or increase of work, as the case may be; and the said Secretary shall, upon expert information, declare the causes of such suspension, abandonment or inadequacy, and shall declare the forfeiture of the property involved, in the same manner as forfeitures for failure to pay taxes are declared in the Department of Hacienda.

Article 10. The Mining Agents, in order to comply with their duties as stated in the foregoing article, shall keep themselves informed of the progress of work in the mines within the district in their respective charge.

Mine owners, when prevented from working their mines, whether by accident or force majeure, shall immediately give notice thereof to the Mining Agent, who shall ascertain, through experts appointed by him for the purpose, the cause of the cessation or abandonment of work.

Article 11. Every resident of the Republic shall have the right to denounce, by application to the Department of Fomento through the appropriate Mining Agency, any mining property on which work has ceased, or which has been abandoned or is not being fully exploited by the individual or company that had denounced it, whether continuing to pay the taxes thereon or not.

Transitory Article 1. All provisions of law in conflict with this decree are hereby repealed.

Transitory Article 2. This decree shall go into effect on the first day of next April.

Done at the City of Monterey, Nuevo Leon, on the 19th day of March, 1915.

FRANCISCO VILLA.

File No. 812.63/45.

The Secretary of State to Consul Letcher.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 7, 1915.

Your 604, March 27. Department telegraphing to Carothers urgently to protest against application provisions mining decree March 19 last to property Americans and other foreigners.

BRYAN.

File No. 812.62/47.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 7, 1915.

Immediately present following to Villa respecting decree relative to mining property issued Monterey March 19 last:

Provisions decree relating to forfeiture mining property because of : (1) voluntary suspension for ninety days working mines; (2) abandonment of work; (3) deficient exploitation; and (4) failure to maintain prescribed work in each five-hectar section—appear wholly unjust in view of disturbed conditions in Mexico which have led this Government to advise its citizens to leave Mexico, and continuance of which obliges Government to refrain from advising them it is safe to return there.

Many of these Americans and other foreigners, as result of such conditions, have already lost large amounts property. Many of them have undergone great sacrifices to pay taxes increased by such conditions and imposed on properties from which income was cut off. Moreover, it has been necessary in some cases to pay taxes on some properties to two of contending factions. Furthermore, destruction railroad facilities and scarcity labor, both due to conditions mentioned, greatly enhance difficulties of mine owners.

Last numbered requirement of decree seems particularly unjust as requirinig great expenditures whether or not ore body known to exist and regardless of whether existing ore is of profitable grade.

In view, therefore, of conditions mentioned, which apparently render compliance with decree practically impossible so far as concerns large numbers of Americans and other foreign mine owners, this Government cannot but regard decree as confiscatory in its nature and therefore must urgently protest against application its provisions to property Americans and other foreigners.

BRYAN.

File No. 812.63/49.

The Acting Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 10, 1915.

At request of Mines Company of America, present following facts to Villa concerning mining decree:

1. Company not only willing but anxious to operate if given adequate protection.

2. Law in present form utterly impracticable because economic impossibility to put down shafts and drive tunnels simultaneously on every twelve and one-half acres mining property held in Mexico at the present time.

LANSING.

File No. 812.63/65.

Vice Consul Coen to the Secretary of State.

No. 16.]

AMERICAN CONSULATE,
Durango, April 11, 1915.

SIR: I have the honor to transmit herewith as enclosure No. 2 a copy of the new mining law as published in "La Vida Nueva" the semi-official newspaper of the Convention Government in Chihuahua.

Mr. Harold McLeod Cobb has filed a protest against the confiscatory nature of this new mining law, which I take pleasure in forwarding to the Department as enclosure No. 1 to this despatch.

As a matter of fact if this law is put into effect and carried out according to its terms it will mean the confiscation or, at least, the loss of a great deal of mining property in this consular district upon which the owners have paid taxes for many years and which they believe they had good title to. The law is clearly a breach of faith with the mining interests.

I have [etc.]

HOMER C. COEN.

[Enclosure No. 1.]

Mr. Harold McLeod Cobb to Vice Consul Coen.

AMERICAN CONSULATE,
Durango, April 8, 1915.

MY DEAR SIR: The writer, an American citizen, the owner of mines and following the vocation of mining for the last 12 years at Guanacevi, Durango, Mexico, wishes to protest to you as United States Consul against the new mining law signed on the 19th day of March 1915, and dated at Monterey, N. L., that you may place my protest before the proper authorities of the State Department at Washington. This law works an injustice, is confiscatory, and in practice is absolutely impossible to comply with, no matter how much the foreign mine owner might desire to do so. All this will be explained by me in detail at another place, when the various articles of the law are analyzed. I might also point out that the U. S. Government has repeatedly warned its citizens to temporarily abandon the Republic of Mexico, until such time as conditions become normal and peace is restored, and life and property secure.

This new mining law makes it compulsory to actively operate all mines, naturally necessitating the return of foreigners owning mines; for in what other manner may a mine be actively operated unless the owner is present to arrange the financing and the thousand and one details incident to mining operations. To do this, American citizens will either have to disobey President Wilson's instructions, or lose their properties. But let us carefully analyze and study this new law, copy of which I hereto attach translated into the English language.

I respectfully call your attention to article 1 of the new law, reforming article 51 of the old mining law under which foreigners acquired their mining interests in Mexico and expended hundreds of millions of dollars of their capital; the only manner in which their mines could be forfeited under the old law, after once acquiring title from the Mexican Government, was by failure to pay the Impuestos Mineros or mining tax to said government on each hectare (equivalent approximately to two and one half acres). Now under the new law of reformed article 51, mines are to be forfeited for additional causes, as for example:

If work is paralized or abandoned voluntarily during a period of 60 days or more, and as I have said, considering President Wilson's instructions to foreigners, this new law, if complied with will force Americans to disobey their President's orders and return to Mexico. But what I regard as the hardest, I might say most unjust portion of article 1 of the new law, is that portion that states that all mines will be declared forfeited on account of insufficient work, no matter if we have complied with all other requisites of the Mexican Mining Law and have paid our taxes and are working our properties at the risk of our lives, and doing the very best we can, yet if we do insufficient work, our mines are null and void as far as the title from the Mexican Government is concerned.

Now the question arises, what constitutes insufficient work? This is a very ambiguous term, and it is left with the mining agents of the different camps to state what constitutes this insufficient work, or in other words, when a mine is to be declared forfeited. This seems to me to be placing very arbitrary

powers in the hands of said mining agents, and should any of these mining agents be venal, it would be a very easy matter to declare a valuable mine, on which foreigners have expended hundreds of thousands, or millions of dollars, forfeited, so that friends of theirs (the mining agents) may subsequently acquire title to the same; it is this portion of the law that seems to me to be the hardest, and impossible to comply with. If a specific amount of work was stated, Mining Companies and mine owners could and would use every effort to comply with the law, but at the present no one knows how little work constitutes insufficient work and how much labor constitutes sufficient work.

I also wish to call especial attention to article 3 of the new mining law, where it says that each owner of a mine shall maintain in activity at least one work of exploitation for each five hectares of surface. Even assuming there be ore to extract, this is impractical as the Mexican Mining Law is one of vertical side lines, and mines having an ore body with a dip from the vertical to the horizontal take up additional hectares or pertenencias of surface to protect their veins on the dip from passing out of their territory as depth is attained; therefore these extra surface holdings can not possibly be operated until the ore body reaches these extra side line surface holdings, due to the further deeper mining operations necessitated by the company; which work may take six months or may take ten years to consummate. This portion of the law is absolutely impossible to comply with as may be seen at a glance.

The object of this new law has apparently the idea of stimulating mine owners to commence active operations on their properties. But mine owners do not need such measures; the main stimulant that they have and always have had is the desire to make money out of their properties. No mining company or owner would maintain watchmen and a crew of employees in idleness; pay mining taxes to the government which is a loss or drain on their resources, if by working they could by the extraction of ores pay these dead expenses. Why are the mines shut down?

a. For lack of mining supplies, due to poor transportation facilities.

b. For lack of cars or railroad facilifies for the transportation of ores to the smelters.

c. For lack of smelting facilities.

d. Why are only 10 per cent of the smelting capacity of the smelters in Mexico in operation? For lack of coal and coke. Why is coal and coke lacking? For want of transportation facilities.

It will be readily seen that the basis of all mining stagnation is due primarily to the lack of railroad transportation for supplies, which should go directly to the mines, or to their allied industries "the smelters."

What is the cause of this lack of railroad transportation? The disturbed condition of the country due to the revolution; a condition that we foreigners are not responsible for, nor over which we have any control. Therefore it seems very unjust to me to make new laws that are impossible to comply with, due to the disturbed political condition of the country, and threaten our mines with confiscation if we do not comply with same.

Another cause of the shutting down of many mines having mills for the beneficiating of their ores, is lack of cyanide. This chemical is absolutely necessary for the treatment of the bulk of the low grade ores containing either gold or silver, or both of these metals, and the great source of supply of cyanide for Mexico has, in the past, been Germany. Due to the fact that Germany is at war and not exporting this article, many mines can not secure cyanide at any price and in consequence can not operate their mills, and without the mills in operation they have no way to treat the ores extracted from the mines.

Résumé: I will say in closing that if this new law is enforced, a large proportion of the mines of Mexico will become forfeited, as it is a physical impossibility to comply with same.

1st. For lack of transportation facilities due to the fact that railway service is intermittent and in some portions of the country, out of service entirely.

2d. Lack of cyanide for the mills.

3d. Smelters out of commission.

4th. Risk of life attendant to the operation of mines in isolated sections of the country.

I therefore request, that the State Department of the United States use its good offices to try and persuade the Conventionist Government of the hardship this new law will work on all foreign held mines, and request that the law be modified.

Respectfully submitted,

HAROLD MCLEOD COBB.

[Inclosure 2.]

[This is a translation of Villa's Decree No. 5, of March 19, 1915, printed ante.]

File No. 812.00/14836.

Special Agent Carothers to the Secretary of State.

[Telegram—Extract.]

IRAPUATO, *April 12, 1915.*

Regarding new mining law, it is not intended to injure all legitimate mining industries, and each company or individual may make representations to Minister of Fomento in Chihuahua and secure exemption if justified. The law is intended to prevent the purchase by speculators of mining properties that are now dormant, to hold for sale at immense profit. It is my intention to go to Chihuahua as soon as possible and discuss matter with Escudero, in order that he change or modify the decree. I would recommend that mining men, especially those who have working properties, take matter up at once in Chihuahua.

CAROTHERS.

File No. 812.63/50a.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 15, 1915.

Have examined the new order issued by Villa forfeiting mining property if not worked to the satisfaction of the Secretary of Fomento. In view of the fact that the law does not prescribe a certain amount of work but leaves the matter to the discretion of officials without right of appeal to any court, you will please bring the matter to the attention of Villa and say that it seems likely to operate as confiscation of property. Ask for a suspension of the order in so far as it affects foreigners, in order that we may more fully present the objections.

BRYAN.

File No. 812.63/63.

Mr. Sidney Smith to the Secretary of State.

FORT WORTH, TEXAS, *April 15, 1915.*

DEAR SIR: I desire to call the attention of the State Department to an order issued by V. Carranza, First Chief [etc.] with reference to a tax attempted to be levied and enforced against mining properties in Mexico.

I represent the American Consolidated Mining and Milling Company, a corporation duly incorporated under the laws of the State of Oklahoma, and am attaching hereto a copy of the order above referred to, which, if carried into effect, will mean the absolute confiscation of all of the property of the company I represent in the State of Oaxaca in the Republic of Mexico.

Our company owns 338 pertenencias, in perfecting our title to which we have been out a large sum of money from which we have had but very little returns; and an attempt on the part of the Revolutionary Government of Mexico to enforce the attached order against us at this time would render it impossible for our company to meet the demands of the Government, and would result in the absolute confiscation of our holdings. I would therefore respectfully request that the State Department's representatives in Mexico be advised by your Department to interpose its protest against the unreasonable and unjust attempt to deprive us of the use or benefit of our property by the enforcement of the attached order.

Respectfully submitted,

SIDNEY SMITH.

[Inclosure—Translation.]

Mining decree issued by Carranza at Vera Cruz, March 1, 1915.

I, Venustiano Carranza, First Chief of the Constitutionalist Army, in charge of the Executive Power of the Nation and Chief of the Revolution, by virtue of the extraordinary powers wherewith I am invested, have found it proper to decree the following:

Article 1. Articles 2, 5, 9, and 10 of the Law of March 25, 1905, relating to stamp taxes and mining franchise taxes are hereby amended to read as follows:

Article 2. Ores produced in the Republic or proceeding from a foreign country are subject to an internal stamp tax, with no exceptions other than those expressly made by this law. Said tax will be imposed in the future as follows:

A. Metals exported in the form of mineral rock or earth, cyanided or sulphurated, residuum of smelters, or in any other form in which they may be combined or mixed with other substances which are not metals, properly speaking, as follows:

Gold: At the rate of one hundred and ten pesos ($110) a kilogram.
Silver: At the rate of two pesos, sixty centavos ($2.60) a kilogram.
Copper: At the rate of three and one-half centavos ($0.03½) a kilogram.
Lead: At the rate of six centavos ($0.06) per ten kilograms.
Zinc: At the rate of five centavos ($0.05) per ten kilograms.

B. For metals which may be treated or smelted in the country to the extent that they are not alloyed or mixed with other metals, whatever may be the assay of the product, the imposts fixed in the preceding paragraph shall be reduced by 20%.

Article 5. No tax will be imposed, etc.

G. Nor will taxes be imposed upon copper when the minerals contain the said metal in the proportion of less than three per cent (3%); on lead when they contain it in proportion of less than ten per cent (10%); nor on zinc when they contain it in proportion of less than fifteen per cent (15%).

Article 9. The special stamp tax, which, according to the laws in force, must be fixed on titles of ownership of mines, will be ten pesos ($10) for each pertenencia protected by said titles, whatever may be the mineral substances that it is intended to exploit.

Article 10. The annual tax on ownership of mines shall be imposed in the following terms:

A. The quota will be twelve pesos ($12) annually for a mining pertenencia, or four pesos ($4) for each third of the year, whatever may be the substances which may be exploited.

B. If the number of pertenencias of a mining property or of different mining properties belonging to the same owner and situated in the same mining district shall exceed ten pertenencias, the quota of taxes will be imposed at the rate of twelve pesos ($12) for the first ten pertenencias, and for the excess up to twenty at the rate of fifteen pesos ($15); for the excess from twenty to fifty the quota will be eighteen pesos ($18); and from fifty-one on at the rate of twenty-four pesos ($24).

Article 2. Article 3 of the said Law of March 25, 1905, is hereby repealed.

Article 3. All sums which the Treasury must receive in conformity with the present decree and the said Law of March 25, 1905, must be paid exclusively in national gold coin.

Transitory Article 1. This decree will take effect on the date hereof.

Transitory Article 2. For mining properties which may have pending the payment of taxes, and in respect to which no forfeiture has been declared, a period is hereby granted until June 30, 1915, within which to pay in gold the amounts due in conformity with the quotas herein specified.

Done at Vera Cruz, March 1, 1915.

V. CARRANZA.

File No. 812.63/58.

Special Agent Carothers to the Secretary of State.

[Telegram—Extract.]

IRAPUATO, *April 16, 1915.*

Regarding application of new mining law, General Villa says that the law will not be enforced until he is in a position to give guaranties and transportation to the industry; that the clause calling for working each five claims will not be enforced where impracticable; that immediately after the next battle with Obregon he will take up matter of modification of the law; and he told me to say to the Department that there will be no international trouble over this law.

CAROTHERS.

File No. 812.63/152.

The Confidential Agent of the Provisional (Conventionist) Government to the Secretary of State.

MEMORANDUM.

The intent of Decree No. 5 of the Provisional Government, dated March 19, 1915, providing for the forfeiture, under certain circumstances, of abandoned or unworked mining claims, is to require the owners of such properties to bear their just share of taxation, and to prevent the acquisition of valuable properties by those who, without contributing to the support of the State, seek nevertheless to enjoy the exploitation of those properties under conditions satisfactory only to themselves.

The provisions of the decree may be reduced, in a general way, to the following:

1. Mining claims may be forfeited when the owner either abandons or suspends operations, for a fixed period; but such must be a voluntary act on his part, attended by failure to pay the taxes established by law.

2. In case the abandonment of the property or the suspension of operations, followed by the non-payment of taxes, is due to vis major, then the circumstances will be examined into by the Department, which is vested with authority to grant equitable relief.

3. No person may hereafter possess the right to denounce more than fifteen mining claims, and no corporation or association is hereafter to be allowed to denounce more than one hundred and fifty mining claims, all in the same district, though the proper Department may make exceptions in certain instances.

In promulgating the decree, the Provisional Government entertains no purpose to employ or impose unreasonable or confiscatory

methods, its sole desire being to place responsibility where it belongs, namely, on the owners of mining claims located in districts in which favorable conditions exist, and which afford every opportunity for a continuance of operations. While the profits might not be so great as in normal times, nevertheless there exists reason to believe that large numbers of the properties in the districts mentioned could be worked to advantage. Many owners, however, have exhibited a marked indifference to their obligations to the State and for the time being abandoning their claims have by one means and another sought to evade the payment of taxes.

No narrow construction will be given by the authorities to this decree; on the contrary, its provisions will be applied with such liberality as may be consistent with the rights and interests of all concerned.

ENRIQUE C. LLORENTE.

CONFIDENTIAL AGENCY OF THE
PROVISIONAL GOVERNMENT OF MEXICO,
Washington, April 19, 1915.

File No. 812.63/78.

Consul Guyant to the Secretary of State.

No. 347.] AMERICAN CONSULATE,
Ensenada, April 20, 1915.

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 209 of March 3, 1915, relative to the nullification of mining titles issued during the period in which General Huerta governed Mexico, and have notified the local authorities in accordance with the last paragraph thereof.

Notice of this act of nullification was contained in Circular No. 1 of the Department of Fomento, Section of Mines, Mexico City, dated September 3, 1914, and this notice was conveyed to mine owners by the local mining agent, in some cases verbally, in others by written notices. I transmit herewith a copy and a translation of the circular in question. This circular has been modified by three succeeding circulars from the same source, Nos. 2, 3, and 4, a synopsis of the contents of each following:

No. 2, dated September 5, 1914, contains directions to mining agents as to manner in which annulled titles may be restored, defining the necessary proceedings and stating that applications for this purpose should be treated as new denouncements.

No. 3, dated October 20, 1914, extends the time in which annulled titles may be redenounced to December 31, 1914, and amplifies the rules of No. 2 relative to the proceedings necessary.

No. 4, dated December 21, 1914, issued by the Convention Government, extends the time limit to March 31, 1915.

I have [etc.]

CLAUDE E. GUYANT.

[Inclosure.]

[This is an extract from Circular No. 1; see the footnote to Mr. Guyant's No. 328 of February 8, ante.]

File No. 812.63/148.

Mine and Smelter Operators et al. to Special Agent Canova.

WASHINGTON, *April 21, 1915.*

DEAR SIR: Confirming our conversation at your office yesterday, I wish to say that as representative of the Mine and Smelter Operators Association in Mexico we have had many meetings recently with Mr. Escudero, Minister of Finance in General Villa's Cabinet, with the view of securing modification in the rate of export taxes which the Minister proposed to levy upon the mining industry in the Republic. As a result of these meetings we finally entered into a contract with the Minister of Finance of Mexico, representing the Federal de facto Government, and with Mr. F. Avila, Military Governor of the State of Chihuahua, copy of which we enclose herewith marked Exhibit A.

As a result of this contract, and based upon the terms set forth therein, the decree affecting export tax was issued on the 19th day of March, 1915, copy of which we enclose herewith marked Exhibit B.

On the same date the Minister of Finance issued a decree materially modifying the law under which titles to mining properties are held in Mexico and which is most drastic in its effect, copy of which we enclose herewith marked Exhibit C.

Upon receipt by us of the decree, on March 26, 1915, the Mine and Smelter Operators called upon Mr. Escudero at Chihuahua and discussed the terms with him very fully and addressed a letter to Mr. Escudero, copy of which we enclose herewith marked Exhibit D.

A committee of the Mine and Smelter Operators Association then called a meeting at El Paso on April 1, 1915, and made representations to the State Department at Washington as per copy enclosed herewith marked Exhibit E, and sent the Secretary of State a telegram as per copy enclosed herewith marked Exhibit F, to which we received a reply from the Secretary of State as per copy enclosed herewith marked Exhibit G.

We have been furnished with a copy of a telegram from Mr. Carothers to the Department, dated at Irapuato under date of April 16 [12], copy of which we enclose herewith marked Exhibit H.

This gives you a complete file covering negotiations with the de facto Constitutionalist authorities under General Villa.

We are filing an official letter addressed to the State Department in Washington in which we are urging upon the Department the necessity of insisting upon the repeal of this decree in its entirety, which letter will no doubt reach you in due course.

We only wish to repeat that under no circumstances do we consider it advisable to consider any modifications of that decree, which to the best of our understanding will result unquestionably in the confiscation of many, if not all, foreign-owned mining properties within the Republic of Mexico.

As per our statement to you, we discussed this entire matter at some length with Mr. Llorente yesterday, who in the course of his conversation with us, stated that he had been advised by General Villa that this decree would not be enforced *at the present time*, but he gave us to understand that it would be enforced when conditions had improved in Mexico and transportation facilities were such as

would, in the judgment of the Minister of Finance, permit of the operation of the properties. We called Mr. Llorente's attention to the fact that this law was a very serious modification of the conditions under which titles to mining property were held in Mexico; that it was retroactive in effect; and that it imposed burdens upon the industry in general which in effect were equivalent to confiscation of vested rights in the Republic.

Llorente stated to us that it was not the intention of the Government to make the law retroactive insofar as it referred to the amount of property that could be held under the decree, but in all other respects, and particularly as to the conditions and sufficient operation, it would apply to every property within the Republic.

In our opinion it is positively necessary that our Government insist upon the repeal of this measure in its entirety, as we believe that the enforcement of the decree, even in a modified form, would surely result in an effort to confiscate foreign-owned property in the Republic of Mexico, which in turn would lead to serious international complications.

Yours very respectfully,

W. H. ALDRIDGE.
A. J. MCQUATTERS.

Committee representing the Mine and Smelter Operators Association and other mine owners in Mexico.

[Inclosure 1—Exhibit A.]

Miners' Contract with the Villa Government, March 19, 1915.

In the City of Chihuahua on the 19th of March, 1915, there met, for one part, Citizen Attorney Francisco Escudero, in charge of the Department of the Treasury and Public Works, in representation of the Provisional Government of General Francisco Villa, Chief of Operations of the Conventionist Army, and the Citizen General Fidel Avila, Governor and Military Commandant of the State of Chihuahua, in representation of said State; and, for the other part, the three signers as representatives of the mining and smelting industries in the said State; with the object of celebrating the contract which is set forth in the following clauses:

First. The representatives of the mining and smelting industries voluntarily accept the increased taxes on precious metals in the terms of the decree of this date issued by the Citizen General Francisco Villa, and, for their part, propose the following conditions, which the functionaries above mentioned accept in all of its parts.

Second. No other decree or additional law will be promulgated during the term of six months to count from this date, whether it be of a general or special nature, which may have for its object the increase of the taxes affecting the mining and smelting industries, or any of their branches exempt to the present from said taxes.

Third. There will be no increase in importation duties on merchandise or articles for the use of the mining or smelting industries; neither will there be established a tax on said merchandise or articles which have been exempted to the present from said taxes.

Fourth. The State of Chihuahua, through the medium of the Governor, agrees that no new taxes which affect directly or indirectly the above-mentioned industries will be imposed, neither will those already existing be increased, and this during the term of six months counted from this date; neither will the municipalities or other entities of the State be permitted to establish taxes, whether general or special, that affect the said industries, exception being made of those which existed during the year 1914.

Fifth. The representatives of the mentioned industries agree to purchase from the State Treasury, or from the branches of the same, the legal money

they may need for the operation of their business, in those cases where they find it convenient to do so, at the current rate of exchange in the market.

For the effects of this contract there is attached a copy of the decree which is referred to in Clause First.*

FRANCISCO ESCUDERO,
Minister of Finance in Mexico.
F. AVILA,
Military Governor of Chihuahua.

C. R. WATSON,
A. J. MCQUATTERS,
W. J. QUIGLEY,
For the Miners and Smelters Operators Association.

[and representatives of nine other mining companies.]

[Inclosure 2—Exhibit B.]

Villa's ore tax decree, March 19, 1915.

Francisco Villa, General in Chief of the Operations of the Conventionalist Army to the inhabitants of the Republic makes known;

That by virtue of the extraordinary powers conferred upon me by the Decree of 2nd of February of the present year, issued in the City of Aguascalientes, and

Considering that the army under my command has imposed upon itself the obligation of giving guarantees to Mexicans and foreigners, in order that they may dedicate themselves tranquilly to the peaceable exercise of their activities; and

Considering, that the same Army needs abundant pecuniary elements as well in order to carry to a satisfactory termination its patriotic duties as in order to insure the tranquility of the preceding consideration; I have seen fit to decree;

Article 1. The tax on the gold and silver that may be produced in the Republic, or which proceed from foreign countries, and which was collected by medium of the adhesion and cancellation of revenue stamps, will be taxed in future in the following form:

A.—Pure silver in bars, rich ore, cones, cakes and sulphides; ore in natural state or concentrates; mattes, smelter residues and any other substances which may contain it, destined for exportation, will pay seven and one-half per cent of the value of that metal, in Mexican gold or its equivalent in American gold, at the rate of two for one; with the understanding that, for the effects of this article, the office of the Secretary of Finance will make known, monthly, to the National Assay Offices, to the Departments of the Treasury and to the Collectors of Customs, the rate that will serve as a basis for the collection of the tax during the month succeeding the one in which the advice given.

B.—Pure gold, in bars, cones, or in the form of raw ore, fines, smelter residues, or in any other form in which it may be found to be combined or mixed, will also pay seven and one-half per cent of the value of that metal, in Mexican gold or its equivalent in American gold, at the rate of two for one.

Article 2. The tax on zinc ores that are produced in the Republic, or which proceed from foreign countries and which are destined for exportation, will be collected in the following terms;

When its content is 30 per cent., it will pay one peso Mexican gold per ton or its equivalent in American gold at the rate of two for one, this rate per ton increasing ten centaves Mexican gold or its equivalent in American gold for each one per cent of zinc contained in excess of that heretofore specified.

The expenses of assay and others which are provided for by the relative law are for account of the exporters, without prejudice to the tax on silver and gold which said ores might contain, to which will be applied the taxes marked in the preceding article.

Article 3. The payment of the tax should be made to the principal office of the Treasury Department of the State where said metals are produced, or at the Custom House or Customs Division of importation or exportation of same.

Article 4. The liquidation of the tax and its payment will be shown by a certificate that will be made in duplicate, which should contain in addition, in the case of exportation, all of the data necessary for the identification of the

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*Inclosure 2—Exhibit B.

pieces or substances, the name of the Custom House through which the exportation should be made and the term within which it should be done. One copy of the certificate will be delivered to the principal and the other two will remain as vouchers covering the payment, one of them containing the liquidation and the conformity of the principal.

Article 5. Only upon the expressed approval of the office of the Secretary of the Treasury and in each case, under bond, will the payment of the tax be admitted by the medium of drafts, letters of exchange or checks on foreign countries, it being understood that, unless the interested persons obtain said approval, said tax should be collected in cash.

Article 6. With the modification expressed, the Law of the 25th of March 1905 covering taxes and franchises to the mining industry remains in effect.

Transitory Article: This decree becomes effective from this date and will remain in effect during six months; repealing the one of the 24th of December of 1914, issued in the city of Mexico by the Citizen Eulalio Gutierrez.

Given in Monterey, March 19, 1915.

FRANCISCO VILLA.

[Inclosure 3—Exhibit C.]

[This is Villa's decree No. 5, printed as inclosure with Mr. Letcher's No. 64 of March 27, ante.]

[Inclosure 4—Exhibit D.]

Miners' letter to the Minister of Finance.

CHIHUAHUA, *March 27, 1915.*

SIR: We wish to again express most emphatically to you that it is absolutely impossible to comply with your late decree with reference to the mining industry, and that instead of supplementing or modifying the decree as published, we believe it is to the interests of the country at large, and that the mining industry would be better conserved, by repealing this law; and as you stated it was your intention to reach the unscrupulous and speculative class, the proper method would be the enactment of specific laws for that purpose against them, and not such a law as the one outlined, which would react upon the great mining industry at large.

We will again reiterate that the publication of this decree will be taken by the world at large as an important step toward the ultimate confiscation of all property held by foreigners, and regardless of any explanation that may be made as to the extent of the government in exempting various specific cases under certain conditions, it will be felt that the policy of the Mexican Government has radically changed as regards foreign investments; that in consequence the investments of foreigners are not looked upon with favor, and it is certain that foreign capital will not be encouraged by the radical decree just published in a local paper.

Respectfully yours,

C. R. WATSON,
A. J. MCQUATTERS,
W. J. QUIGLEY,
Executive Committee.

[Inclosure 5—Exhibit E.]

Miners' letter to the Secretary of State.

EL PASO, TEXAS, *April 1, 1915.*

SIR: As a Committee appointed at a meeting of representatives of many of the principal American mining companies operating in northern Mexico, we respectfully bring to your attention the decree of General Francisco Villa, issued at Monterey, N. Leon, on March 19, 1915, as published in the Vida Nueva (of Chihuahua) dated March 25th ult., a copy of which we are sending herewith. We enclose also a translation of the decree in full, which is such an extensive modification of the terms under which mining properties may be held in the Re-

public of Mexico that forfeiture of the great majority of mineral titles is almost unavoidable.

In briefest terms, any of the following may cause forefeiture of mining property:

(1) Non-payment of taxes within the prescribed period.

(2) Voluntary suspension of working of mine for 60 days or more, excepting because of fortuitous circumstances individually approved by the Secretary of Fomento as being of sufficient weight to justify the non-operation of the property.

(3) Abandonment of work.

(4) Deficient exploitation (to be determined by the Secretary of Fomento).

(5) Failure to maintain prescribed work in each five-hectare section (regardless of the practicability of such work or the irregular occurrence of the mineral deposits).

The enforcement of this drastic decree, which is about to be promulgated by the action of a dictator who has assumed the powers of legislation inherent only in a national legislature, will radically change an important fundamental property law, apparently without full knowledge of the serious consequences involved, and, so far as we know, without giving mining interests of the Republic a preliminary opportunity to be heard in this matter which so vitally affects their welfare. Regardless of the many legal questions that might be raised with reference to the enforcement of such a drastic measure, we beg leave to point out to you the injustice that would be worked upon the mining industry of the Mexican Republic at large, and upon the American and European investors in its mining properties in particular.

We maintain that the restrictions imposed by the new law are absolutely unjust and will work great hardship to American investors who, in good faith and at great sacrifice, have acquired mining property in the Republic of Mexico, chiefly during the period when the relations between the United States and the Mexican Republic were amicable and when there was reason to believe that their investments were welcomed by the Mexican nation, and that the security of the same was assured under international law and existing treaties between the two nations. The present decree is evidence that this confidence was misplaced.

As a result of the conditions existing in Mexico during the last few years, both this and the preceding administration of our government have felt constrained to advise foreigners to leave the Republic of Mexico until such time as conditions in the country should render it safe for them to return to their respective business occupations. As a result of this, we believe it is safe to assert that at least 85 per cent of the foreign-owned mining properties in the Republic of Mexico have been closed down and their owners have returned either to the United States or to Europe, feeling that their investments were safe so long as they continued to pay the tax upon their properties as fixed by law, which properties in a great majority of cases have been purchased from Mexicans in exchange for the payment of large sums of money.

American citizens who have withdrawn from Mexico at the urgent request of their own State Department and have been deterred from returning to Mexico by the published warnings of that Department, find themselves in this position: After losing in many instances large amounts of personal property as a consequence of the internal disorder in the Mexican Republic, but nevertheless having paid at considerable cost and sacrifice the taxes imposed by one, and in some cases by two, of the Mexican factions claiming to be de facto governments, these property-owning American citizens are now threatened with the loss of their properties if they do not expend further sums, regardless of profit, in the development and operation of the properties which they hold. They are required to do this, not in the most economical and systematic manner for the development of their property according as the occurrence of the ore dictates, but under an arbitrary and unscientific restriction which requires that for every five contiguous pertenencias of any group there must be an extraction working. From a technical standpoint this is absolutely absurd. The new decree requires such expenditures whether or not an ore body is known to exist and regardless of whether the ore is of profitable grade under prevailing conditions and metal markets.

The decree requires, also, that the scale of operations must be sufficient, and it is left to the discretion of the Secretary of Fomento in the last instance to rule whether or not the extent of operations is sufficient. If he decides that the scale is insufficient he is authorized to declare the title forfeited, and the

property subject to denouncement by any individual residing within the Republic.

The mineral agents in the several districts are delegated to act as inspectors and to bring all cases of non-compliance with the new law to the attention of the Secretary of Fomento. This feature introduces opportunities for graft on the part of the mineral agents and opens up an unlimited field of annoyance to mining operators. In view of the fact that under present conditions even well equipped properties with complete operating organizations are unable to operate on a really profitable scale—because of the insufficiency of labor supply and of railroad facilities which render it extremely difficult to secure needed supplies and fuel or to ship the product mined to treatment plants—in the case of most properties, especially those which are isolated or in an early stage of development, it is clearly impossible for the owners to comply with the new decree, and consequently the enforcement of this decree is confiscatory in effect.

In case any developed mines should be forfeited, even temporarily, to the Mexican Government, and by it be delivered to some other individual, it is highly probable that immense damage would result to such mines before the same could be recovered by the original owners after a really constitutional government shall have been established.

This decree is so unjust and harmful to the interests of American citizens who have in good faith invested in mining property in the Republic of Mexico, that we hasten to bring it to your attention, and we beg to request that this matter be given the careful attention which it deserves. Unless the decree referred to can be repealed or annulled, great distress and financial loss will result to individuals and corporations who have already suffered immensely. We therefore trust that you will take appropriate steps under these conditions to safeguard our interests as American citizens.

Yours very truly,

A. J. McQuatters, *Chairman.*
C. L. Baker,
R. F. Manahan,
Committee.

[Inclosure 6—Exhibit F.]

Miners' telegram to the Secretary of State.

El Paso, *April 2, 1915.*

The undersigned, acting as a committee representing the principal American mining companies operating in northern Mexico, have mailed to you under date of April 1 a communication respectfully bringing to your attention a radical decree issued by General Villa which makes drastic changes in the law under which mining properties may be held in the Republic of Mexico. This communication embodies views of these operators regarding the scope of the decree and points out the great injustice and serious loss which will be inflicted upon American citizens if this decree is put into effect. We trust that the letter will reach you promptly and that after giving it the consideration which it merits you will take such action as you deem appropriate to safeguard the interests of American citizens and of foreigners who have acquired mining property in Mexico.

A. J. McQuatters,
C. L. Baker,
R. F. Manahan,
Committee.

[Inclosure 7—Exhibit G.]

The Secretary of State to the Miners.

Washington, *April 7, 1915.*

Reference your letter April first and telegram April 2. Department telegraphing Special Agent Carothers urgently to protest against application provision mining decree March 19 last, to property Americans and other foreigners.

W. J. Bryan.

[Inclosure 8—Exhibit H.]

[This is a copy of Mr. Carothers' telegram of April 12; see ante.]

File No. 812.63/58.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 22, 1915.

Reference your telegrams April 12 and 16, respecting mining decree. While Department appreciates assurances given relative to interpretation of decree, it believes that arbitrary power given official by decree will ultimately result in great injustice to many American mining owners who have acquired properties legitimately, under laws of Mexico, especially since terms of decree appear impossible to comply with from standpoint of economic mining operation.

So believing, Department considers that best interests both of foreign mining owners and of Mexicans themselves would be conserved by removing entirely menace of decree through its repeal.

If, as stated in your telegram April 12, intention of law is to prevent speculation in dormant mining properties, that end could of course be attained by law not embodying menace to present legitimate owners.

Bring above most earnestly to attention Villa and urgently ask that the decree be repealed.

BRYAN.

File No. 812.00/14935.

Special Agent Carothers to the Secretary of State.

[Extract.]

EL PASO, *April 22, 1915.*

SIR: * * * I am preparing a list of all matters relative to foreigners and to the new mining laws, and it is my intention to take up all these cases with Mr. Diaz Lombardo and with Mr. Escudero, in Chihuahua, very strongly, and it is my hope to induce them to recommend to General Villa the return of all foreign property that has been intervened, and to convince Villa as to the dangers of such interventions and confiscations. * * * When I mentioned to General Villa your desire that the mining law be suspended until such time as the Government can present its objections, he immediately replied that he was willing to revoke the whole decree and make a new decree, putting the mining laws on identically the same basis as the United States laws. I told him that it would be better to wait a little on this until he has time to properly consider it. I took this as an expression from him that he would like to satisfy you in arranging the mining laws. * * *

G. C. CAROTHERS.

File No. 812.63/74.

Special Agent Carothers to the Secretary of State.

[Telegram—Extract.]

CHIHUAHUA, *April 26, 1915.*

Regarding mining law, Minister of Works informs me that it is not in effect inasmuch as neither proper legal publications nor citations have been made; that the law has been misunderstood, as its intention was not to operate retroactively but to guard against speculators. * * * He has offered to take up the subject with Villa immediately after the coming battle and arrive at a satisfactory understanding.

CAROTHERS.

File No. 812.63/65.

The Acting Secretary of State to Vice Consul Coen.

No. 186.] DEPARTMENT OF STATE,
Washington, April 29, 1915.

SIR: The Department has received your despatch No. 16 of April 11, 1915, transmitting a copy of the recent decree of Francisco Villa concerning the mining property in his dominion.

You say that Mr. Harold McLeod Cobb has filed a protest against the confiscatory nature of this new mining law.

Under date of April 14 [15], 1915, Mr. George C. Carothers, a special representative of the Department of State, was telegraphically instructed to protest against the application of the provisions of this decree to American mine owners.

A telegraphic reply has been received from Mr. Carothers, saying that he is informed that it is not the intention of the authorities who promulgated this decree to injure legitimate mining industries but to prevent the purchase of dormant mining property by speculators for profit. Mr. Carothers added that it was his intention to proceed to Chihuahua as soon as possible and discuss with the appropriate authorities the matter of changing or modifying the decree and he recommended that American mine owners make immediate representations to the Minister of Fomento in Chihuahua and procure exemption, if justified, as provided in the decree.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 812.512/634.

Sierra Consolidated Mines Company to the Secretary of State.

[Extract.]

DULUTH, MINN., *May 8, 1915.*

SIR: We enclose herewith a copy in Spanish, together with English translation, of a decree[77] recently promulgated by the Carranza fac-

[77] See inclosure with Mr. Sidney Smith's letter of April 15, ante.

tion, under date of March 1, 1915, the enforcement of which will greatly and excessively increase the taxes on mining properties in Mexico.

We desire to emphatically protest against the enforcement and the recognition of this decree, on the following grounds:

1. That it imposes a tax which is exorbitant and confiscatory.

2. That it is retroactive because it was not published in the State of Chihuahua (where the properties of this company are located) and because neither this company nor its subsidiary, the Sierra Mining Company, S. A., had any notice or knowledge of it until after the month of March, in which month the taxes covered by it were payable.

3. That the Carranza Government is not in control of the State of Chihuahua, and cannot give any protection to this company so as to enable it to operate its properties.

4. That this company was forced to abandon its operations in the State of Chihuahua, and that it has already been compelled by superior force to pay taxes to the local government under Villa, which is now in control of Chihuahua, and that therefore the enforcement of the Carranza decree will subject this company to double taxation.

* * * We respectfully petition that formal protest be made by your Department to the Carranza Government against this decree, and that that government be notified that the decree will not be recognized by the United States as having any application to mining properties owned by citizens of this country and situated without the territory under control of the Carranza Government. * * *

Respectfully,

SIERRA CONSOLIDATED MINES COMPANY.

File No. 812.63/88.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 14, 1915.

Report result your efforts obtain repeal decree and, if you consider necessary, make urgent representations against enforcement.

BRYAN.

File No. 812.63/99.

Vice Consul Coen to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
No. 27.] *Durango, May 15, 1915.*

SIR: I have the honor to report upon the recent decrees affecting mines and mining property promulgated within the past two months by the Chihuahua seat of government, copies of which are enclosed with this despatch. * * *

No information to date has been received at this office of any modification of the decree of March 19, 1915, as a result of the protests of

the American Government and the English Government against the confiscatory nature of the decree, except the explanation credited to Manuel Bonilla and made by authority of the Secretary of Fomento, Licenciado Francisco Escudero, which appeared in the El Paso Morning Times of April 15, 1915, copy of which is hereto attached. * * *

The payment of taxes in Mexican gold and the payment of wages of employees in Mexican silver or gold (enclosures No. 2 and No. 3) are manifestly impossible, for such money is not of circulation and cannot be bought in sufficient quantities in the country. * * *

One possible motive for the decrees may have been that it was hoped that foreign interests could be forced to bring in outside capital and spend it within the country in order to save their property from confiscation, thus materially aiding the de facto government, which is moving heaven and earth to obtain gold with which to buy war supplies from the United States. This theory was tenable until the promulgation of the last decree requiring all mines to pay wages in silver or gold, or its equivalent in paper money of forced circulation. When this last decree of May 4, 1915, (enclosure No. 4) was issued, the motive for the entire series at once became evident, and the conviction clearly confirmed, that the intention and motive was confiscation by seeming legal requirements but which in reality are absolutely physically impossible to comply with.

The great amount of American capital honestly and in good faith invested in the mining industry in this consular district makes this subject of immense importance to American citizens.

I have [etc.]

HOMER C. COEN.

[Inclosure 1.]

Manuel Bonilla's explanation of Villa's New Mining Law.

[From El Paso Morning Times, April 15, 1915.]

I have been authorized by the Minister of Fomento to make a statement to the press for the purpose of dispelling the incorrect impressions which seem to exist in the minds of the people of the United States, as well as those of other foreign countries, in regard to the reforms decreed by General Villa's Secretary of Fomento, Licenciado Escudero. My ideas are in conformity with those of Mr. Escudero and I make this statement in pursuance of a conversation had with the Secretary regarding these laws.

The principal objection which most of the American periodicals and the people interested in properties in Mexico seem to have, and which upon its face appears to have some foundation, is the fact that on account of changed circumstances, such as the state of war and military operations existing in Mexico, it will be impossible or impracticable for some miners to work their properties for some time. There is, however, no foundation for any fear in this respect, because there is a clause or article in the new law which provides that any owner who for some just or plausible reason is not able to work the property owned by him in accordance with the requirements of said decree, may apply to the Government with a fair exposition of his case, and his reasons for not working his claim or mine, and in the event the reasons stated are reasonable from a business, economic or other standpoint, he will be afforded an extension or some concession, so that his rights shall be protected and in no way injured. It has been the policy of the Government and the Department of Fomento, and it will in future be their policy, to grant such privileges and extensions, and no bona fide application based upon fact will be refused, and no interest which in justice should be protected will in any way be injured.

The miner with means to work his property or a desire to work the same in a bona fide manner need have no fear that he will be unjustly deprived of his rights. However, the person who dreams about holding a property to the exclusion of others until someone with money comes along and pays him a royalty for that which he has not earned or developed, and the person who holds large tracts of pertenencias as a land owner, holds big tracts of farming land unused without developing the natural resources of the country, certainly would receive no encouragement of their dreams. Let the mines be exploited by actual work, and if you claim that some harm is done you because the law sets at naught the realization of dreams of becoming rich by exploitation of others and without work, think of the claim of these people whom you are depriving of their right to work and who are debarred from the inalienable right to live by the avaricious monopolies of land and wealth. * * *

The ancient mining law of Mexico provided that in order for one to keep his rights to a certain mine, the owner should not only file his claim as discoverer of a new ledge, or as willing to work some abandoned property, but he was also required to start and maintain actual work in the mine. The Government has eminent domain on each and every portion of its territory, and is sovereign to fix such conditions precedent or subsequent for granting the right to work or own a ledge as it may deem meet and proper.

Later on, under General Diaz's Government, his Minister of Finance, Mr. Limantour, changed the system, and the new mining law came into existence, providing that in order to maintain the right of property in any extension of mineral ground it was not necessary to work the fundo minero, and the only condition was the payment of six pesos a year for each hectare constituting the ground.

Since the Diaz Government seemed to have had the undisputed right to change and amend the mining laws, why should the right be disputed of the present Mexican Government to change or amend its laws by what amounts to a repeal of the Limantour amendment, and thus place the law in the status which from the standpoint of political economy was to the best interests of the people? The Limantour amendment or change in no way benefits either the Government or the country, and any speculator could, under that law, hold a promising ledge in his grasp indefinitely, provided he has the money to pay six pesos for each two and a half acres contained in his grant.

The man next to him who starts work and carries the same on in a bona fide way, pays salaries to the employees and increases the wealth of the country and the circulation of money is handicapped by the provision of the Limantour amendment, and he bears a larger burden economically than the man who merely pays the annual tax. The man who works his property provides for the payment of duties on exportation and other taxes derived from the production of ore and bullion.

[Inclosure 2.—Translation.]

Circular Order requiring all mining taxes to be paid in Mexican or American gold.

DEPARTMENT OF HACIENDA AND FOMENTO,
Chihuahua, April 8, 1915.

*To the Mining Tax Collector at*_____.

In view of the frequency with which consultations are had with this Department concerning the form in which it is necessary to make the payments of the annual tax upon mining claims, I state to you, in order that through you the knowledge may come to those interested in making the payments corresponding to the four-month periods in accordance with the law, that these payments ought to be made commencing the 15th day of this month, in Mexican gold or in its equivalent in American gold, at 2 for 1, that is to say, the rate of exchange that existed before the Constitutionalist Revolution.

You will please bring this knowledge to your subordinates and the agencies under your jurisdiction.

Please acknowledge the receipt of the present circular.

FRANCISCO ESCUDERO.

[Inclosure 3—Translation.] [78]

Statement regarding General Urbina's order of April 14, 1915, relating to payment of mine employes in coin.

[From El Paso Morning Times, May 5, 1915.]

A drastic mining decree affecting the properties in the State of Durango, it is reported, has been issued by General Tomas Urbina R., which if enforced, mine owners declare, will force them to suspend operations. The decree is said to require the payment of all employees of Durango mining properties in Mexican silver or its equivalent in American gold, instead of the Villa currency which is now the medium of exchange in northern Mexico. The penalty for failure to comply with the provisions of the alleged decree is confiscation of the mining property by the State Government of Durango, and mining men declare that some mine owners have been notified by Urbina's officers that if they do not comply, execution will be the penalty.

In addition to requiring payment of employees in silver, Urbina's decree is said to make it obligatory for mine owners to give a thirty-day notice to any employee whom they wish to discharge; the provision applies to day laborers as well as other employees.

The decree, according to Americans arriving from Durango yesterday, was issued on April 14, at Auza, State of San Luis Potosi, where General Urbina was then operating with his troops. Copies of it were received here yesterday from mining men residing in Durango. Urbina, by virtue of his being military commander of the State of Durango, has power to issue the order.

American and foreign mine owners of Durango who are now in El Paso said yesterday that it is impossible to carry out the provisions of Urbina's decree. Silver is no longer in circulation in northern Mexico and to pay employees on a gold basis, they say, is beyond reason.

[Inclosure 4—Translation.]

Villa decree of May 4, 1915, requiring payment of mine employees in coin.

Francisco Villa, General in Chief of Operations of the Conventionist Army, unto the inhabitants of the Republic, makes known:

That by virtue of the extraordinary powers contained in the Decree of February 2, 1915, issued in the City of Aguascalientes, with which I am invested; and

Considering: That the fluctuations of value to which the paper money of forced circulation is subject are not natural since the time when the changes in value became so rapid and extensive and lead to the supposition that they are chiefly due to speculation;

That such speculation injures all classes of society but very specially injures the laboring classes, who see the articles of prime necessity daily increasing and their ability to buy with the product of their labor daily decreasing;

That it is the absolute duty of the undersigned to look after the interests of the community, attacking the disease by which it is assailed in its most notorious symptoms;

That, finally, since the class of laborers employed in the mines is the one most exposed to the harmful effects of such speculation, and the paper of forced circulation with which the payment of this class of labor is made is the subject of such great fluctuations, in justice to the miners I am compelled to free the said wages from the effects of the rise and fall of the value of paper money;

I have seen fit to decree the following:

Article 1. The wages or salaries which the mining companies or individuals working mines have agreed to pay their workmen in that part of the Republic controlled by the Army under my command shall be considered to be upon a basis of silver or gold of the national coinage, or its equivalent in American money of silver or gold at the rate of two for one, the minimum daily wage to be one peso of Mexican silver or gold or its equivalent as stated above.

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[78] See the text of the decree here discussed, post, inclosure with Inde Gold Mining Company's letter of May 20.

Article 2. The payment of the salaries or wages shall be made in coin or in paper money of forced circulation at the rate agreed upon between the parties, and in case of disagreement the rate of exchange on that day shall be used.

Article 3. Commissary stores, workmen's stores, or any other plan which may have for its purpose the obligation of the workmen to buy at a certain place articles of prime necessity and articles for his use, are strictly prohibited. Establishments, private or public, clearly philanthropic, and entrance to which shall be absolutely free and voluntary, are the only exceptions to this prohibition.

Article 4. This decree shall commence to take effect on the 5th day of the coming June.

Done in the City of Aguascalientes on the 4th day of May, 1915.

FRANCISCO VILLA.

File No. 812.63/91.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 17, 1915.

Department informed by Guanacevi Mining Company, said to be owned by Mrs. Phoebe Hearst and J. B. Haggin, American citizens, that its manager Guanacevi, Durango, has been notified by a military commander there that, on penalty severe punishment of owners and confiscation of mines, all foreign mine owners must pay employees in Mexican gold and silver coin or American gold, no paper money being allowed to circulate. Order said to have been signed by General Urbina and dated San Luis Potosi. Department also informed of order issued by Villa at Aguascalientes, May 4, on which General Urbina's said order perhaps based. Villa's order not entirely clear on question of money in which such payment must be made.

Immediately investigate and report on purpose of Villa order. If it was correctly interpreted by Urbina, point out to Villa what appear to be the facts, namely, that Mexican gold and silver not now circulating and that it would be practically impossible to import to many mines American gold or silver because of unsettled conditions and resultant certainty of robbery and perhaps murder of messengers carrying money.

Urbina's order in terms discriminates against foreigners and under existing circumstances is plainly confiscatory. Make most urgent efforts for its immediate withdrawal and for such interpretation of Villa's said order as shall not impose hardships, discrimination or confiscation on foreign mining property.

W. J. BRYAN.

File No. 812.512/634.

The Secretary of State to Special Agent Silliman.

DEPARTMENT OF STATE,
Washington, May 18, 1915.

SIR: The Department has received a communication dated May 8, 1915, from the Sierra Consolidated Mines Company of Duluth, Minnesota, which reads in part as follows:

[Quotes first six paragraphs of the letter; see ante.]

You are instructed to bring to the attention of the appropriate authorities the grounds for the protest made by the company and to

say to such authorities that the United States Government does not recognize the decree referred to as having any force in territory outside of the control of Carranza authorities or any application to American-owned mining property located in such territory.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 812.512/624.

The Secretary of State to the Sierra Consolidated Mines Company.

DEPARTMENT OF STATE,
Washington, May 18, 1915.

GENTLEMEN: The Department has received your communciation of May 8, 1915, enclosing [etc.]

The first six paragraphs of your letter have been copied to Mr. John R. Silliman, American Consul, who is now on special duty at Vera Cruz, Mexico, with instruction to bring to the attention of the appropriate authorities the grounds of the protest made by your company and to say to such authorities that the United States Government does not recognize the decree referred to as having any force in territory outside of the control of the Carranza authorities or any application to American-owned mining property located in such territory.

Under the generally accepted principles of international law, American citizens owning property in Mexico are entitled to pay taxes thereon to persons in de facto authority. It would appear, therefore, that having paid taxes upon your property located in the State of Chihuahua to the authorities exercising control in that State, you should be relieved of further payment of such taxes.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 812.63/96.

Special Agent Carothers to the Secretary of State.

[Telegram—Extract.]

GOMEZ PALACIO, *May 19, 1915.*

Referring Department's May 17, I have no fear of enforcement of decrees. I will be in Chihuahua in two days and will take matter up final adjustment but have assurance that there will be no enforcement especially against foreigners.

CAROTHERS.

File No. 812.63/100.

Inde Gold Mining Company to the Secretary of State.

[Extract.]

NEW YORK, *May 20, 1915.*

SIR: For your information I am enclosing herewith translation of a decree issued by General Tomas Urbina R. on April 14, 1915.

Respectfully,

INDE GOLD MINING COMPANY,
By W. ROWLAND COX.

[Inclosure—Translation.]

JEFATURA POLÍTICA DE INDE,
Inde, April 25, 1915.

I have the honor to make known to the public and to those who may be interested, the following:

GENERAL HEADQUARTERS
OF GENERAL TOMÁS URBINA REYES,
Auza, San Luis Potosí, April 14, 1915.

These General Headquarters, at my command, make known:

That the emission of bills or tickets (bonos or boletas) by foreign residents in that place is strictly prohibited, and require of you that the employees of said foreign residents be paid in Mexican silver coin (plata sellada mexicana) or American gold, it being understood that disobedience to these orders will be severely punished.

I communicate this to you in order that you may communicate it to those interested, advising them that they should protect their employees to the extent that they be not discharged without at least a month's notice, with the understanding that if this order be not complied with, their interests will be prejudiced.

GENERAL TOMÁS URBINA R.

The above I transcribe and make known to the public and those interested.

MAJOR PATRICIO HERNANDEZ,
Municipal President.

File No. 312.11/6066.

Special Agent Carothers to the Secretary of State.

[Telegram—Extract.]

GOMEZ PALACIO, *May 21, 1915.*

Referring Department telegram [of May 17] about payment wages in Mexican gold or silver, General Villa telegraphed me as follows in reply to my representations:

LEON, *May 20.*

Referring your telegram of yesterday, it is impossible to revoke order, as it emanated from the Secretary of Finance. But I am gladly disposed to furnish ample armed escorts to companies whenever they are required to convey funds, thus preventing assaults by bandits. I have ordered General Urbina to send me the text of this [his?] decree, and if it is in improper form, as discriminating against foreigners, I will make the necessary changes.

CAROTHERS.

File No. 812.63/99.

The Secretary of State to Vice Consul Coen.

DEPARTMENT OF STATE,
Washington, May 24, 1915.

SIR: The Department has received your despatch No. 27 of May 15, 1915, reporting upon the recent decrees affecting mines and mining property promulgated within the past two months by the Chihuahua seat of government.

The matter of the decrees mentioned has been taken up with the appropriate authorities through Special Agent Carothers who recently informed the Department that he would soon proceed to Chihuahua to make an adjustment of the matter and that he was assured that these decrees would not be enforced, at least as against foreigners.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 812.63/106.

Consul Alger to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Mazatlan, June 1, 1915.

San Dimas American mining companies request Department wire Consul, Durango, try arrange decree May 4 regarding payment miners be suspended until September giving companies time to arrange and to advise San Dimas result by special messenger.

ALGER.

File No. 812.63/105.

Consul Alger to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Mazatlan, June 1, 1915.

Reported decree issued Vera Cruz prohibiting exportation products of mines. If true, means closing all mines immense loss. Request instructions as to action when put effect here.

ALGER.

File No. 812.63/105.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 2, 1915.

Consul, Mazatlan, requests information about reported decree issued Vera Cruz prohibiting exportation mine products. Investigate. Report.

BRYAN.

File No. 812.63/106.

The Secretary of State to Vice Consul Coen.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 2, 1915.

Consul, Mazatlan, reports San Dimas American mining companies request you endeavor arrange decree May 4 regarding payment miners be suspended until September giving companies time to arrange, and that you advise San Dimas result by special messenger.

BRYAN.

File. No. 812.63/112.

Vice Consul Coen to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Durango, June 3, 1915.

Department's June 2. Immediate enforcement decree May 4 not contemplated. San Dimas advised.

COEN

File No. 812.63/125.

A. J. McQuatters, for the Committee of Mine and Smelter Operators Association, to the Secretary of State.

[Telegram.]

EL PASO, *June 25*, [*received 26*], *1915.*

I refer to the various letters and telegrams that have passed between this Committee and your Department with reference to a decree issued on March 19, 1915, affecting conditions under which title to mining property is had in the Republic of Mexico, in connection with which law you have had your representative make representation to the de facto authorities in the State of Chihuahua and which law we understood would not be applied in so far as it affects the legitimately acquired property of foreigners in the Republic. We now beg to inform you that we have been advised by Francisco Escudero, in charge of the Department of Finance and Public Works, that the law is in effect and will be applied unless exemption is made in each specific case as provided therein. I desire to reiterate here our former statements to you that this appears to be the first important step towards ultimate confiscation of mineral properties owned by foreigners in the Republic of Mexico, and respectfully request that you take such further steps as may be deemed advisable to protect American interests.

For Committee:
A. J. MCQUATTERS.

File No. 812.63/128.

EL PASO, *June 26, 1915.*

SIR: I telegraphed you yesterday as per confirmation enclosed herewith, which I now beg to confirm.

I have discussed the subject matter of this telegram, as well as our previous communications with your Department, at some length with Mr. George C. Carothers, your Special Representative in Mexico.

Mr. Carothers has advised me that the de facto authorities of the Villa government have assured him repeatedly that the interests of no foreigner in Mexico would suffer as a result of the decree in question. However, notwithstanding the fact that the above assurances have been given, the fact remains that it is now their intention to

enforce the provisions of this decree, which are very detrimental to every foreigner who has money invested in mineral property in the country.

We enclose herewith translation of blank form of exemption that may be granted to the owners of mining properties by the de facto authorities, upon presentation by the owners of such mining properties of a request, in which request, we are advised by the Minister of Finance, should be set forth the reasons for asking for the exemption, and if necessary evidence will be taken by the said Minister to establish the correctness of the contention made, and if this in his opinion is sufficient, the exemption in question will be granted for a period of not to exceed six months, at the expiration of which time the same process would have to be gone through with again.

The conditions provided for the operation of mining properties as set forth in the decree in question are such as to render them positively impossible to comply with, even during a normal state of affairs in Mexico, and the effects of the measure are such as to render every mining property in the Republic liable to forfeiture and will, if enforced, without question create a condition which would probably lead to international complications, which all most earnestly desire may be averted.

For your information I will state that a great number of the mining properties in the northern part of the Republic, which belonged to Mexican citizens, have already been confiscated by the de facto authorities, and that at least one mining property owned by foreigners, located at Naica, in the State of Chihuahua, has been confiscated and is now being operated. A smelting plant located at Santa Rosalia, in the State of Chihuahua, belonging to Mexican, French and English capitalists, has been confiscated and put into operation for the purpose of smelting the ores that are being extracted from the confiscated mines. Therefore you can readily understand that these facts, which are well known to the mining industry at large, create a feeling of uneasiness as to the security of their own property or investments in the country, and we now most urgently request that you take such steps as you deem appropriate to secure from the proper authorities of Mexico such assurances as can be brought about only by the repeal or indefinite suspension of the decree in question.

Yours very truly,

A. J. McQUATTERS.

[Inclosure—Translation.]

Form of Exemption.

CONVENTIONIST GOVERNMENT,
DEPARTMENT OF FINANCE AND PUBLIC WORKS.

Declaration of Exemption.

No.——]

Inasmuch as ————, owner— of ———— mining propert —— located in ————, Municipality of ————, and within the jurisdiction of the Mineral Agency of ————, having duly justified before this Department the allegation that the present suspension of work on said propert—— results from acts which constitute a case

Be it known that said ———— has not become liable to forfeiture as defined in Article — of the Law of March 19, 1915; but should give account every six months to this Department of the continuance of the obstacles which hinder the working of said mining propert——, or, if such is the case, of the renewal of operations thereon.

CHIHUAHUA, ——— ———, 191—.

File No. 812.63/125.

The Acting Secretary of State to A. J. McQuatters.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 29, 1915.

Department telegraphing Carothers for immediate report on result his efforts for repeal mining decree.

JOHN E. OSBORNE.

File No. 812.63/125.

The Acting Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 29, 1915.

Department informed by committee American mine owners that Escudero states mining decree of March 19 last is in effect and will be applied unless exemption made in specific cases.

Referring to previous reports in which you stated that you were about to proceed to Chihuahua for final adjustment of this matter and that in meanwhile decree would not be applied, at least to foreigners, please advise at once what action you have taken and result of your representations.

This decree appears on its face to be important step towards ultimate confiscation of foreign-owned mining property, and Department desires you to use your utmost efforts to have it repealed.

OSBORNE.

File No. 812.512/950a.

The Acting Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 30, 1915.

Department desires that you call emphatically to General Carranza's attention the deplorable status of foreign-owned mining properties. The owners of these properties have in many cases paid taxes to both factions, and recent decrees published by both factions impose conditions absolutely impossible to meet under the peculiar conditions existing in Mexico. The mine owners have employed every reasonable effort to continue the operation of their plants, but interruption and sometimes destruction of transportation facilities,

disturbed conditions of labor, requisitions by armed forces upon their stores, supplies and output, have placed them in a position where further attempts to continue operations appear in the large majority of cases useless and inadvisable. Moreover, recent decrees have arbitrarily increased taxes and called for their payment in Mexican gold, a condition with which many mining companies cannot possibly comply.

You are instructed to state to General Carranza that this Government, in its desire to avoid grave complications and after serious consideration of this question, is of opinion that General Carranza should take immediate steps to guarantee these foreign interests in the titles to their properties and to permit such as are able to continue operations to do so, without imposing any taxes other than those fixed by the laws emanating from the Constitution; and hopes that due and immediate consideration will be given to the matter in order that this question may be definitely and satisfactorily settled.

You will also state that this Government wishes him to give earnest and weighty consideration to the rights of foreigners in general. The United States Government has at all times dealt fairly with the leaders of the contending factions in Mexico, and it expects reciprocal treatment of its citizens in that country, and that leaders who exercise power will mete out justice to American citizens and foreigners generally.

OSBORNE.

File No. 812.63/129.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *July 5, 1915.*

Returned from Chihuahua last evening. Secured from Escudero in writing a statement that the period of 120 days will commence to count from the date of publication of regulations of mining decree, and that the regulations will not be published until the latter part of August. This will effectively suspend decree until the end of the year. I have spoken to mining committee and other miners and they are satisfied, as they believe many things may happen between now and the end of the year. I delivered Escudero's communication to the secretary of the mining committee, as it was addressed to them. It will be published in the first issue of the Official Gazette.

G. C. CAROTHERS.

File No. 812.63/128.

The Acting Secretary of State to Mr. A. J. McQuatters.

DEPARTMENT OF STATE,
Washington, July 8, 1915.

SIR: The Department has received your communication of June 26, 1915, confirming your telegram of the same date, concerning the recent decree of Francisco Villa in regard to the mining property in territory controlled by him.

Your attention is called to the Department's telegram of June 29, 1915, informing you that it had telegraphically instructed Mr. George C. Carothers, a special representative of the Department of State, to make an immediate report on the result of his efforts to procure the repeal of this mining decree.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 812.512/695.

Consul General Hanna to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL,
Monterey, July 13, 1915.

Referring to the late Constitucionalista decree concerning taxes on mining properties, many Americans are protesting that the applying of said tax will amount in many cases to confiscation as most mining companies are shut down and no income. American and foreign mining concerns regard the tax as unreasonable, high and unjust. Please bring to attention of General Carranza.

HANNA.

File No. 812.512/719.

Consul General Hanna to the Secretary of State.

No. 548.] AMERICAN CONSULATE GENERAL,
Monterey, July 13, 1915.

SIR: Referring to my telegram of this date, I have the honor to enclose herewith an English translation of the principal points of said decree, and to state that many Americans and foreigners have called at this Consulate General requesting me to ask the Department to please do all that is possible to do to have this decree amended as relates to mining properties belonging to Americans and foreigners, especially such properties as are not producing dividends but have for a long time paid to the de facto government the regular taxes in spite of the fact that the owners thereof have been losing money.

It is believed that if Americans and foreigners, as well as many Mexicans, are required to pay the greatly increased tax, many of them will decline to pay anything. It is probable that in the sum total the Government will not receive any more from this source than they now receive by collecting a reasonable amount.

The majority of the mining properties in this part of Mexico have either been closed down entirely on account of revolutionary conditions, or, where they have operated at all, they have operated simply as a matter of charity toward their former employees in order to give them employment from which they could live. I know of no mining companies in this part of Mexico which are even making expenses; but very few of them are operating at all.

This decree has a very depressing effect upon mine owners.

I have [etc.]

PHILIP C. HANNA.

[Inclosure.]

[Extract from the Decree of March 1, 1915, printed in full, ante.]

File No. 812.63/137.

The Batopilas Mining Company to the Secretary of State.

NEW YORK, *July 16, 1915.*

DEAR SIR: For your information I am enclosing copy of a communication from the Secretary of the Mine and Smelter Operators Association, dated Chihuahua, July 4, in regard to the mining law decree of March 19 last, which will not go into effect until a later date, in accordance with copy of a communication referred to therein signed by Francisco Escudero, which is also enclosed.

Very truly yours,

E. W. A. JORGENSEN,
Secretary.

[Inclosure.]

Mine and Smelter Operators Association to all members.

CHIHUAHUA, *July 4, 1915.*

To all members: Enclosed find copy of official advice from the Minister to the effect that the mining law of March 19 will not go into effect until a later date. While this communication does not bear date, it was written and delivered to Mr. George C. Carothers, representative of the State Department, on yesterday. * * *

Yours very truly,

F. E. STEVENSON,
Secretary.

[Subinclosure—Translation.]

DEPARTMENT OF PUBLIC WORKS.

To the Committee representing the Mining Industry, A. J. McQuatters, and other signers, Present:

Referring to your petition of June 4, I beg to advise you that, as I stated to you personally, although the mining law of March 19 of the current year is in effect and in full force, the period of 120 days fixed for the resumption of work has not yet begun to run, for the reason that the regulations of said law have not been published, which this Department under my charge has under consideration and which will be published in the coming month of August, unless circumstances make it expedient to delay the publication referred to.

This reply will be duly published in the Official Gazette.

Yours very truly,

FRANCISCO ESCUDERO.

File No. 812.512/721.

Mr. D. C. Brown to the Chief of the Division of Latin American Affairs.

NEW YORK, *July 21, 1915.*

MY DEAR MR. CANOVA: As you possibly may not have received it, I enclose translation of a Carranza decree of June 19 which I have just received.

This decree, which was issued before the Department's telegram of June 30 on this general subject was sent out, shows a slightly favorable tendency. It, however, makes no change in the tremendously exorbitant and arbitrary rate of taxation which General Carranza decreed on March 1st last and still proposes to enforce. What his present decree is extending is not the payment of current taxes (as, for instance, those of the present tercio, which must be paid this month) but only the tax arrears for previous tercio which he has not yet been able to get hold of.

Yours very truly,

D. C. BROWN.

[Inclosure 1—Translation.]

Carranza Decree of June 19, 1915, relating to extension of time of payment of mining pertenencia tax.

I, Venustiano Carranza, First Chief of the Constitutionalist Army, in charge of the Executive Power, and Chief of the Revolution, by virtue of the extraordinary authority conferred upon me, have seen fit to decree the following:

Article 1. Extension is granted to October 31 next of the period fixed by Transitory Article 2 of the decree of March 1 of the present year.

V. CARRANZA.

VERA CRUZ, *June 19, 1915.*

[Inclosure 2—Translation.]

Carranza Decree of June 19, 1915, waiving payment of taxes in districts controlled by the reactionary element.

[The usual preamble, as above.]

Article 1. Taxes which those subject to the same have been obliged to pay up to the date of reoccupation of each place or town by the Constitutionalist forces, are hereby waived.

Article 2. Taxes which are found to be in arrears at the time of occupation of these places by the Constitutionalist forces, will be collected without any penalty for delinquency, provided the payment is made within one month following the date of occupation. At the expiration of this time the collection will be made, together with the penalty.

Article 3. The Constitutionalist Government will not recognize in any case the advances made to the usurping authorities for account of taxes corresponding to a period subsequent to the occupation of the places by the Constitutionalist forces, and therefore all taxes corresponding to a period subsequent to the date of occupation of such places will be collected, independently of the fact that they may or may not have been paid to hostile authorities.

V. CARRANZA.

VERA CRUZ, *June 19, 1915.*

File No. 812.512/717.

Consul General Hanna to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL,
Monterey, July 22, 1915.

Unless General Carranza modifies decree promptly and sends notice of modification of his orders here by telegraph, the taxes will have to be paid on or before July 31, or owners be subject to heavy fine or heavy increase of tax for not paying by 31. Please induce

General Carranza to give notice of his modification by telegraph, so as to prevent the heavy increase tax and so as to prevent fines on those who do not pay by July 31. Unless decree is modified, the majority of unoperated mining claims will probably not pay and the total collected tax will furnish General Carranza's Government less than if the regular and more moderate tax is applied, as few mines are being worked and almost none paying expenses.

HANNA.

File No. 812.512/717.

The Acting Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 23, 1915.

Department has following telegram from Consul General, Monterey, relating to mining decree of March 1:

[Quotes Mr. Hanna's July 22.]

Urgently endeavor obtain desired modification and ask that notice thereof be given by telegraph.

ADEE.

File No. 812.512/720.

Mr. James L. Slayden to the Secretary of State.

[Telegram.]

SAN ANTONIO, *July 23, 1915.*

Carranza has decreed an increase of mining tax from six dollars a hectare, Mexican money, to twelve dollars gold, with progressive increase for larger holdings. Miners bitterly complaining, as the tax is confiscatory. Conditions in Mexico make work impossible without which privilege forfeiture of property inevitable. Behalf of many constituents I respectfully ask that you protest vigorously against this arbitrary change in the law which is made when poor owners simply cannot comply. They will lose years of labor and money invested.

JAMES L. SLAYDEN.

File No. 812.63/143.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *July 26, 1915.*

Reported to me last night by member of mining committee that mine operators of Chihuahua had been called upon by Villa for loan of $300,000 gold, which has been refused. They fear this refusal may cause authorities to put mining decree in force notwithstanding Escudero's circular, which has not been published as promised. I have telegraphed Escudero requesting him to publish it in today's issue of the official paper.

CAROTHERS.

File No. 812.512/720.

The Secretary of State to Special Agent Silliman.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, July 26, 1915—5 p. m.

Department informed Carranza has decreed increase in mining tax from six dollars per hectare, Mexican, to twelve dollars gold, with progressive increases for larger holdings. This great increase in tax, if unmodified, will inevitably result in confiscation many properties, American owners of which are unable to work them because of disturbed conditions which also render it absolutely impossible for them to pay increased tax.

Request immediate and material modification of this confiscatory decree.

LANSING.

File No. 812.512/725.

DEPARTMENT OF STATE,
Washington, July 26, 1915—6 p. m.

Report results representations for modification mining decree March 1. Many American citizens assert operation this decree would necessarily result in confiscation their property and Department desires you take strong action on this ground.

LANSING.

File No. 812.512/731.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

VERA CRUZ, *July 26, 1915.*

Department's July 23. Department of Hacienda informed me this afternoon that tomorrow recommendation will be made by telegraph permitting the old tax to be effective for the present quarter only, "not because the new rate is unjust but as a temporary concession in view of the circumstances related by the Consul General."

SILLIMAN.

File No. 812.512/735.

VERA CRUZ, *July 27, 1915.*

Department's July 26, 5 p. m., and July 26, 6 p. m. See my July 26. Government is willing to suspend decree for three months; makes precisely same stand as in export taxes. Products sold for gold should pay taxes in gold. It is understood that where gold is mentioned the Mexican gold peso is intended as a basis. It has a value of approximately fifty cents American. The Government considers that its paper peso has so greatly depreciated, that it is not now a fair unit of value for determining such taxes. On the other hand it would appear that twelve pesos is an excessive increase under all the circumstances. Will continue effort to get a equitable reduction.

SILLIMAN.

File No. 812.512/719.

The Acting Secretary of State to Special Agent Silliman.

DEPARTMENT OF STATE,
Washington, July 28, 1915.

SIR: The Department encloses a copy of a despatch from the Consul General at Monterey, transmitting an English translation of the principal points of the decree of March 1, 1915. The Consul General reports [etc.]

You are instructed to bring the information contained in the Consul General's despatch to the attention of the appropriate authorities in connection with representations previously made looking to the modification of the mining decree mentioned.

You will add, that the Department is convinced that the Constitutionalist authorities are not desirous of carrying into execution measures which will result in the confiscation of American-owned properties, and that upon having this feature of the operations of the mining decree in question called to their attention, they will promptly take the necessary steps to modify such decree in the interest of justice to the American citizens owning such properties who have already been subjected to enormous losses because of the disturbed conditions which have for so long existed in Mexico.

I have [etc.]

WILLIAM PHILLIPS.

[Inclosure.]

[Consul General Hanna's despatch No. 548 of July 13; see ante.]

File No. 812.512/731.

The Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 28, 1915.

Silliman sends following telegram referring to mining tax:

[Quotes his telegram of July 26.]

LANSING.

File No. 812.512/740.

Consul General Hanna to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL,
Monterey, July 29, 1915.

Department's July 28. I understand the words "old tax to be effective for present quarter only" to mean that the mining tax shall be the same amount and paid in same kind of money as in past quarters, namely, in Constitutionalist currency such as in gen-

eral circulation. As this is the only kind of money to be had in Monterey, with such understanding of the modification it is probable that all mine owners will pay on all mining properties; whereas if they were required to pay any other kind of money it could not be obtained and many could not pay and it is believed taxes on great majority of mining claims would go unpaid. Minister of Hacienda respectfully requested to please telegraph his Monterey collector accordingly.

HANNA.

File No. 812.512/761.

Special Agent Silliman to the Secretary of State.

VERA CRUZ, *July 29, 1915.*

SIR: Referring to the Department's unnumbered despatch of May 18, 1915, transmitting the protest of the Sierra Consolidated Mines Company, of Duluth, Minnesota, against the Carranza decree of March 1, 1915, increasing taxes on mining property in Mexico.

I have the honor to respectfully refer the Department to my recent cablegrams on this subject, in response to recent cablegraphic instruction from the Department. From this correspondence it will be seen that the Carranza Government claims that the increase is not improper, because it is equitable. Their position is that a product which is sold for gold, properly may pay its taxes in gold. This principle has for some time been assumed and enforced in the case of export taxes.

There was great opposition to the ruling at first, as the Department may remember, in the matter of taxes on oil exported from Tampico. This was, I believe, the first case in which the Mexican gold peso was used as a unit for calculating export taxes.

It is a fact, however, that an increase from six pesos Mexican currency to six pesos Mexican gold appears exorbitant. At the present rate of exchange, it amounts to the difference between 30 cents American and 3 dollars American per hectare. If 3 dollars appears exorbitant, it is also apparent that 30 cents looks and sounds insignificant. This is a matter which the mining interests might properly take up, jointly or individually, through the Secretary of Hacienda and see if, through the reasons they may present, some more equitable rate cannot be secured, taking into consideration the interests of all concerned.

The Government, in response to a representation made on instruction from the Department at the instance of Consul General Hanna, has agreed to suspend the enforcement of the decree for another three months. This will give time for those interested to make any representation they may deem proper.

In regard to the second, third and fourth points made by the Sierra Consolidated Mines Company, however they may theorize, it has not been the practice of the Constitutionalists to hold that their decrees are effective in territory not controlled by them. They have lately given public notice that they will not undertake to recollect taxes paid to other authorities. On presentation of receipts paid to other authorities, they agree to revalidate them; thus conceding the principle contended for by our own Government that

taxes paid to de facto authorities must be recognized by other authorities.

I have [etc.] JOHN R. SILLIMAN.

File No. 812.512/735.

The Acting Secretary of State to Consul General Hanna.

No. 481.] DEPARTMENT OF STATE,
Washington, July 30, 1915.

SIR: The Department has received your despatch No. 548 of July 13, 1915, referring [etc.]

The Department encloses for your information a copy of its instruction [of July 23] in the matter to Mr. John R. Silliman, American Consul, who is now at Vera Cruz.

The Department quotes for your information the following telegram dated July 27, from Mr. Silliman: [See ante.]

I am [etc.]

ALVEY A. ADEE.

File No. 812.00/15654.

Consul Letcher to the Secretary of State.

[Extract.]

No. 658.] AMERICAN CONSULATE,
Chihuahua, July 31, 1915.

SIR: I am in receipt of a letter dated July 28 from Mr. William J. Quigley, Manager of the El Potosí Mining Company, one of the members of the Mine and Smelter Operators' Association, in which I am requested to bring the following matter to the Department's attention and to request an opinion thereon for the guidance of the parties in interest.

On July 12 the executive committee of the Mine and Smelter Operators' Association was summoned before Sr. Francisco Escudero, Minister of Finance in the de facto Government of General Villa, otherwise self-styled the Conventionist Government, and a request was made of them, as coming from General Villa, to advance the said Government the sum of $300,000 on the understanding that loans made by the various companies having membership in the association, in pursuance of the request mentioned, would be credited to such companies in the payment of taxes and freight charges as these might become due in the future. The association in due time, through its secretary, advised Sr. Escudero, in effect, that it would be impossible for the operating mining and smelting companies to meet his demands, by reason of their foreign character, and the danger that making loans of the character proposed might be construed by adverse factions in the present civil conflict in Mexico as a hostile proceeding in so far as they were concerned, with the result that the companies guilty of these indiscretions might lay themselves to penalties in the future.

The mining companies are now fully expecting, either in the immediate future or more remotely, action of a more vigorous kind calculated to secure the results aimed at by Sr. Escudero, and in this

understanding they request the Department to advise them as to what measures they should pursue to prevent the collection of forced loans that may be ordered against them.

I have [etc.]

MARION LETCHER.

File No. 812.63/146.

Special Agent Carothers to the Secretary of State.

[Telegram.]

CHIHUAHUA, *August 2, 1915.*

A general meeting of all mining men in the State has been called by General Villa for August 9 to discuss and regulate the mining industry. The mining committee has telegraphed all mining men they can locate, advising them of the meeting, as follows:

All mining and smelting industries cited last night before General Villa this morning; account limited number present, no discussion entered into. General Villa demanded that these industries be advised to meet Government officials August 9 at 10 a. m. to receive proposition of grave import to be submitted. Further, that accredited representatives attend. In cases non-attendance, properties of such companies would be closed, and negotiations with those attending would be binding. Urge your company send authorized representative meeting 9th. Acknowledge receipt.

MINE AND SMELTER OPERATORS ASSOCIATION.

This postpones matters for a week.

CAROTHERS.

File No. 812.512/744.

Consul General Hanna to the Secretary of State.

[Telegrams.]

AMERICAN CONSULATE GENERAL,
Monterey, August 4, 1915—10 a. m.

Referring to mining tax modification, it appears that the Monterey collector of taxes has not yet received clear instructions as to the amount and kind of money to collect. He is not accepting payment for taxes but extension for whole of August has been made and it is hoped clear instructions from Minister of Hacienda will allow the old tax collected.

HANNA.

File No. 812.512/745.

AMERICAN CONSULATE GENERAL,
Monterey, August 4, 1915—1 p. m.

At request of mine owners of this part of Mexico, I send following:

Meeting of mine owners both foreigners and Mexicans held this day in Consulate declare impossible to pay mine tax in conformity with Carranza decree of March 1. Enforcement of this decree would be equivalent to absolute loss of their properties. Although Secretary Lansing's telegram July 28, states mining taxes are to be collected at old rate, the tax collector in Monterey is demanding payment in gold at the increased rate according to March decree. In view of fact that he has not yet received instructions to accept payment either in gold or Constitutionalist money at old rate, we the mine owners ask that old rate be restored and Constitutionalist money, the only money in circulation, be accepted in payment. Conditions of country are such that but few mines can be worked and they are paying increased export taxes of 100 per cent on silver, over 200 per cent on gold, besides newly created export taxes on lead and zinc.

HANNA.

File No. 812.512/745.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 5, 1915.

Department has following telegram from mine owners in Monterey section:

[Quotes from Mr. Hanna's August 4, 1 p. m.]

Exert best efforts to obtain immediate sending to tax collector at Monterey of instructions along desired lines. Department understood from information heretofore received from you that this had already been done.

LANSING.

File No. 812.512/745.

The Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 5, 1915.

Your August 4, 1 p. m. Department telegraphing Silliman endeavor obtain immediate sending of desired instructions to tax collector, Monterey.

LANSING.

File No. 812.00/15757b.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 5, 1915.

In view disturbed conditions in Chihuahua, immediately consult members in El Paso of Mine and Smelter Operators' Association of Chihuahua as to personal safety of representatives mining men who might attend meeting August 9 at Chihuahua without authority to bind their principals to any demand that may be made upon them by Villa.

Telegraph your views immediately after conference with mining men, with whom you should keep in touch.

LANSING.

File No. 812.00/15649.

Special Agent Carothers to the Secretary of State.

[Telegram—Extract.]

EL PASO, *August 5, 1915.*

General Villa arrived Juarez this morning. I will see him during the day and renew my efforts.

CAROTHERS.

File No. 812.00/15664.

The Mine and Smelter Operators' Association to the Secretary of State.

[Telegram.]

EL PASO, *August 6, 1915.*

General Villa has demanded that accredited representatives of the Mine and Smelter Operators of Chihuahua present themselves at the Governor's Palace at Chihuahua August 9 to meet General Villa to receive a proposition of grave importance which will be submitted at the time. He threatens that properties which are not represented at the proposed meeting by fully empowered representatives will be closed. He stated that he would conclude with those present arrangements which would be binding on the industry although we have pointed out to Villa that the specific purpose of the meeting and the object for discussion must be known before necessary authority with proper limitation can be delegated by the principals to their representatives or agents; nevertheless he has flatly refused to state to us or even to indicate the nature of the proposition which is to be submitted. It is our unanimous opinion that Villa's purpose is to obtain money unjustly and coercively. We realize from previous instances the likelihood that coercive methods and intimidation will be applied by Villa at such a meeting. On July 12 Señor Escudero, Secretary of Hacienda, acting under instructions of General Villa, proposed that, because of the urgent needs of his Government, the members of this association each advance as large a sum as possible, such advance to be repaid by crediting same against amounts which would become payable for mining taxes and railroad freights. Total amount required was stated as $300,000 gold. We refused to contribute, on grounds that such advances would compromise us because open to construction as participation in the internal political affairs of Mexico. We are therefore apprehensive that Villa now intends to exact a forced loan or its equivalent. Hence we respectfully and earnestly request that appropriate representations be made to General Villa for the purpose of forestalling any demands upon us by him for a forced loan or any other illegal exaction. We believe that such representations are necessary to protect our rights and will avoid disagreeable and embarrassing complications in the present delicate situation.

Respectfully,

MINE AND SMELTER OPERATORS' ASSOCIATION.

File No. 812.00/15664.

The Secretary of State to The Mine and Smelter Operators' Association.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 6, 1915.

Department negotiating to have meeting of mining men in Chihuahua postponed. Meantime, in order that quick action may be

taken in case necessity, your members should keep in close touch with Mr. Carothers and await outcome negotiations.

ROBERT LANSING.

File No. 812.512/748.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *August 6, 1915.*

My July 27 was sent after personal interview with Secretary of Treasury and his assurance that orders would be immediately telegraphed on notice from Consul General Hanna that nothing had been done. I saw the Secretary again, he informed me that a different plan had been adopted by the Government. Following taken from official note to me dated August 4:

> Taking into account the abnormal conditions in the city of Monterey and as a special favor, the tax collector in that city has been ordered to extend the time of payment of mining taxes until August 31 next. Finally I say to you that this Department is disposed to reduce the amount stipulated to all those mine owners who prior to August 31 apply directly to this Department, with the understanding that this decision is taken as a matter of equity only and taking into consideration the circumstances in each case.

Consul General advised August 2. Please repeat text of above to him.

SILLIMAN.

File No. 812.512/748.

The Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 7, 1915.

Silliman reports Secretary of Treasury states new plan adopted relative mining tax. Official note to Silliman dated August 4, reads as follows:

[Quotes from Mr. Silliman's August 6.]

LANSING.

File No. 812.00/15718.

Special Agent Carothers to the Secretary of State.

[Telegram—Extract.]

EL PASO, *August 10, 1915.*

This morning's conference between Scott and Villa at which I acted for both as interpreter was satisfactory in so far as settlement of suspension of meeting of mining men and return to foreign merchants of stores in Chihuahua. * * *

CAROTHERS.

File No. 812.00/15719.

General Scott to the Secretary of State.

[Telegram—Extract.]

EL PASO, *August 10, 1915.*

General Villa has assured Carothers and myself that there will be no meeting of the representatives of mining company as heretofore called at Chihuahua; that properties of foreign merchants in Chihuahua will be returned to them and they will be prosecuted in the civil court for any infraction of the law.

SCOTT,
Chief of Staff.

File No. 812.00/15654.

The Acting Secretary of State to Consul Letcher.

No. 379.] DEPARTMENT OF STATE,
Washington, August 11, 1915.

SIR:—The Department has received your despatch No. 658 of July 31, 1915, saying that you are in receipt of a communication from Mr. William J. Quigley, manager of the El Potosi Mining Company, one of the members of the Mine and Smelter Operators' Association, requesting suggestions relative to the veiled demands on American mining companies for loans.

The only advice which the Department can give to the association at this time is that if the authorities in the City of Chihuahua shall attempt to impose a forced loan upon the members of the association, immediate notice of such attempt should be given to the Department.

I am, [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 812.00/15739.

Special Agent Carothers to the Secretary of State.

[Telegram—Extract.]

EL PASO, [*Undated; received August 12, 1915.*]

In conference between General Scott and myself, accompanied by a committee representing the mining men of Chihuahua, and General Villa, we convinced Villa of the impracticability of enforcing his proposed decrees as against the mining men and he definitely agreed with us to let the mining men alone and to discuss with them the problem of keeping the railroads open, the mining men requesting him to protect their stock of goods which it is necessary for them to import, and Villa offered absolute protection and an escort of all goods ordered to the mines and to force his military commanders to abstain from confiscating their stocks of merchandise. At this meeting the mining men voluntarily presented General Villa with one thousand tons of coal to assist in the operation of the railroad.

GEORGE C. CAROTHERS.

File No. 812.00/15719.

The Secretary of State to Consul Letcher.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 12, 1915.

General Scott telegraphs from El Paso General Villa has given assurances properties of foreign merchants in Chihuahua will be returned to them but that they will be prosecuted in the civil court for any infraction of the law; also that no meeting of mining men will be held at Chihuahua.

LANSING.

File No. 812.512/789.

Special Agent Silliman to the Secretary of State.

VERA CRUZ, *August 13, 1915.*

SIR: Referring to the Department's unnumbered instruction of May 18, 1915, regarding mining decree, I have the honor to enclose herewith copy of my representation to the Foreign Office, and replies thereto.

I have [etc.]

JOHN R. SILLIMAN.

[Inclosure 1.]

Special Agent Silliman to the Secretary of Foreign Relations.

No. 214.]

VERA CRUZ, *July 1, 1915.*

MY DEAR MR. SECRETARY: I have the honor to inform you of the receipt of the following cablegram, dated Washington, June 30, 1915.

[Quotes the text of the telegraphic instruction of June 30, 1915, from the Acting Secretary of State to Mr. Silliman; see ante.]

In compliance with my instruction, I have the honor to present the above matter to the earnest attention of General Carranza, and to say that I respectfully await his reply in order that I may duly convey it to the Department of State.

I have [etc.]

JOHN R. SILLIMAN.

[Inclosure 2—Translation.]

The Secretary of Foreign Relations to Mr. Silliman.

No. 1796.]

FOREIGN OFFICE,
Vera Cruz, August 4, 1915.

MR. REPRESENTATIVE: The Department of the Treasury and Public Credit, in a communication of July 29, informs me as follows:

Article 10 of the Law of March 25, 1905, relating to stamp taxes and taxes on mining franchises, says:

"The annual tax on mining property will be as follows:

"A. For each mining pertenencia, six pesos annually, or two pesos for each four-month period or tercio, regardless of the substances exploited.

"B. If the number of pertenencias belonging to a single mining company exceed twenty-five, and if these pertenencias are contiguous, the tax of six pesos will affect only the first twenty-five pertenencias, and will be reduced to three pesos for each pertenencia in excess of twenty-five."

By virtue of the Decree of March 1, 1915, Article 10 was amended to read as follows: "The annual tax on mining property will be as follows:

"A. For each mining pertenencia, twelve pesos annually, or four pesos for each tercio, regardless of the substances exploited.

"B. If the number of pertenencias in one holding, or in several holdings belonging to a single owner and situated in the same mining district, exceed ten pertenencias, the tax will be at the rate of twelve pesos for the first ten pertenencias; for those in excess of ten and up to twenty, at the rate of fifteen pesos; for those in excess of twenty and up to fifty, at the rate of eighteen pesos; and for those in excess of fifty, at the rate of twenty-four pesos."

As your Department will see, the amendment made in the Law of March 25, 1905, tends to comply with one of the promises of the Revolution, favoring the small property, since according to the original law a mine owner who had ten pertenencias paid annually the sum of $60, and another who had twenty paid $120; that is to say, he paid proportionally to the number of pertenencias. But according to the new provision a mine owner having ten pertenencias will pay annually $120, and a mine owner having twenty pertenencias will pay, not double the other amount, but $270, which is a little more than double. And the proportion is more and more accentuated as the number of pertenencias increases under a single proprietorship.

The product of the mines is sold abroad, and is naturally paid for in foreign money. As a result, and in view of the present depreciation of our money, mine owners who pay their workmen in Constitutionalist currency now obtain a magnificent profit. They will therefore suffer no injury whatever in paying their mining taxes in gold, as required by the Decree of March 1, 1915. They get gold abroad for their product, and are more than compensated by paying their workmen in our currency. Formerly there would have been no object in requiring payment in gold, because Mexican money enjoyed perfect legal parity with foreign money.

All the foregoing fundamental considerations influenced the issuance of the Decree of March 1, 1915, which is in every aspect more just and equitable than the former law. But this Department, taking into account the abnormal circumstances at the city of Monterrey, has telegraphically instructed the Tax Collector there, as a special favor, to extend the period within which mine owners may pay their taxes now due, to August 31, 1915.

Finally, I inform you that this Department is disposed to reduce the tax rate in the case of every mine owner who applies directly to this Department before August 31, on the understanding that the reduction will be made solely on considerations of equity in view of the circumstances of each case.

I have the honor to transcribe the foregoing to you for your information, and in order that you may communicate it to the Department of State in Washington, as a result of the action taken by you in pursuance of the instructions given you by Secretary Adee in the telegram of which you sent a copy to the Department of the Treasury and Public Credit, requesting a modification of the Decree of March 1, 1915, which fixes the annual tax on mining property.

I avail [etc.]

ACUÑA.

[Inclosure 3—Translation.]

The Secretary of Foreign Relations to Mr. Silliman.

No. 1844.] FOREIGN OFFICE,
Vera Cruz, August 10, 1915.

MR. REPRESENTATIVE: The Department of the Treasury and Public Credit, in a communication of August 4, informs me as follows:

I have the honor to acknowledge the receipt of your note of July 9, with which you enclosed a communication from Mr. John R. Silliman, Special Representative of the Department of State of the American Union, to which was attached a telegram from the Acting Secretary of State at Washington, Mr. Osborne, instructing Mr. Silliman to make representations to the First Chief of the Constitutionalist Army in charge of the Executive Power, in regard to the injuries which are being complained of by foreigners who have mining properties in this country, from whom in some cases taxes are collected by the lawful authorities and also by other authorities acting for some one of the factions in control in certain regions; adding that because of the required payment of taxes in national gold, often an impossibility, and the various increases in taxation that have been decreed and which are considered to be arbitrary, and because of the interruption of communications, the abnormal labor conditions, and in general the absence of guaranties, the mining industry has become paralyzed; and the note concludes with a request that orders be given that will insure guaranties to the mining interests, and that mining taxes be collected according to the old rates.

In reply I have the honor to say to you that the first of the points above mentioned has already been satisfactorily disposed of by the Decree of June 19, 1915,[79] waiving payment of taxes in rebel districts, Conventionist or Villista, and consequently the double collection of taxes is no longer possible.

As to the provision for payment in national gold, it suffices to consider that the products of the mines are sold in foreign parts for foreign money in order to appreciate the motives for that provision, which in no way injures the interests concerned in view of the easy conversion of such foreign money into dollars, which are accepted at one for

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[79] See inclosure with Mr. D. C. Brown's letter of July 21, ante.

two, namely at the same rate as obtained during the period prior to the new law. I should add that the complaining taxpayers, in consequence of our present economic plight, are making big profits through the depreciation of our currency; with this currency they pay their workmen, and as this is their chief expense the result is that they are put to an extremely low outlay in the conduct of their business. And not only is the argument unacceptable regarding the alleged impossibility of complying with the law, but even the difficulty thereof is not apparent; because if it is true that there is a scarcity of national gold coin, it is nevertheless also true that provision has been made for payment of the taxes in United States money, in drafts on that country, or in national silver coin at the established rates.

With reference to the increase of the tax rates, which is one of the chief causes of complaint, according to the note under discussion, let me say that the only provision made on this point is found in the Decree of March 1, 1915, which amended the Law of March 25, 1905; the former contains only two modifications: first the tax on the title, provided for in Article 9, which tax is collected by means of stamps affixed to the instruments of conveyance of the mines; this constitutes no new burden nor is it a real increase of the former tax, as is apparent at first glance; for although it is true that the Law of March 25, 1905, reduced to five pesos the tax payable on each pertenencia, the preceding law, of June 6, 1892, had fixed the rate at ten pesos a pertenencia, which is the same as the rate now fixed by the Decree of March 1, 1915. But even supposing that there has been a genuine increase of the burden, there is still no room for the complaint made by the mine owners, nor even by those who, having denounced new claims, are subject to the procedure governing the same; for the reason that this Department, taking into consideration the fact that the period of time consumed in the procedure is not the responsibility of the one making the denouncement, ruled that the tax in such cases should be paid in conformity with the rates in effect at the time of filing the denouncement, and so informed the Department of Fomento. Therefore, if mine owners are in no way affected by this modification of the law, there is, unquestionably, no reason for the objections that have been offered to it. The other modification above mentioned is the one contained in Article 10, relative to the tax on the property, which is slightly increased in comparison with the rates fixed by the Law of June 6, 1892. This law fixed the rate at ten pesos a pertenencia, whereas the present decree fixes it at twelve pesos for small holdings, and established the increase in the rates for larger holdings in direct ratio instead of the inverse ratio established by the Law of March 25, 1905. This modification is a benefit to the small holding and complies with one of the promises of the Revolution, stimulates the mining industry, prevents as far as possible the existence of very large holdings in the hands of a small privileged group, and augments the income of the national Treasury without injuring the interests of tax-payers, since even in view of the small increase decreed and the reformation of the ratio from inverse to direct, the new rates are really too low when one considers the importance of the industry involved.

I transcribe the foregoing in response to your note of July 1, last.

I avail [etc.]

ACUÑA.

File No. 812.00/15741.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, August 17, 1915.

SIR: I have the honor to enclose herewith, for your information, copies of two telegrams from the Mine and Smelter Operators' Association, of El Paso, in regard to the valuable services rendered by General Scott in inducing General Villa to promise that no further molestation of foreign mining and smelting interests in northern Mexico would be permitted.

The Department is glad to bring these communications to the War Department's attention.

I have [etc.]

ROBERT LANSING.

[Inclosures—Telegrams.]

The Mine and Smelter Operators' Association to the Secretary of State.

EL PASO, *August 12, 1915.*

SIR: In accordance with the suggestion in your telegram of August 6, that this Association keep in close touch with the representatives of your Department during negotiations with General Villa as to his proposed drastic action regarding foreign mining and smelting interests in the territory dominated by his forces, we are pleased to advise you that subsequent to General Scott's interview with General Villa, committee of this association discussed freely and

on a friendly basis with General Villa the present situation confronting him, with the result that General Villa has announced that no drastic action of any kind will be taken against these interests and that they will be permitted to continue their business without molestation. On behalf of this association, which comprises practically all of the foreign mining and smelting interests of northern Mexico, we desire to thank you for the prompt and effective action taken on our behalf. In this connection we wish to mention particularly, the effective work and influence of General Scott, to whom in a great measure this satisfactory outcome is due.

Respectfully,

THE MINE AND SMELTER OPERATORS' ASSOCIATION.

EL PASO, *August 12, 1915.*

Referring to our telegram sent you earlier in the day with reference to the outcome of conferences just terminated with General Villa, and after a discussion at a meeting of the Mine and Smelter Operators' Association held here this afternoon at which practically all interests were represented, it occurs to say that we are particularly impressed by the peculiar ability of General Scott to make friends with and to gain the confidence of such men as now dominate the political affairs in Mexico. We cannot but feel that this peculiar ability of General Scott might be utilized with good effect in dealing with the other factional leaders in Mexico, in an effort to bring about a peaceful solution of the Mexican troubles.

THE MINE AND SMELTER OPERATORS' ASSOCIATION.

File No. 812.00/15815.

The Secretary of State to Special Agent Carothers.

DEPARTMENT OF STATE,
Washington, August 20, 1915.

SIR: There is enclosed herewith, for your information, a copy of a letter from Mr. A. J. McQuatters, on behalf of the Mine and Smelter Operators' Association, dated August 13, 1915, in which he makes mention of the excellent aid rendered by you in changing the attitude of General Villa and members of the Villa cabinet, in regard to the proposed action against foreign mining and smelting interests in the territory dominated by Villista troops.

I am [etc.]

ROBERT LANSING.

[Inclosure.]

Mine and Smelter Operators Association to the Secretary of State.

EL PASO, *August 13, 1915.*

DEAR SIR: We enclose herewith confirmation of telegrams sent you under date of August 12, which we hereby confirm, and wish to reiterate our high appreciation of the satisfactory results obtained during the recent conferences with General Villa and members of his cabinet, and to state that we believe that the change of attitude on the part of the Mexican officials was due wholly to the prompt and energetic representations made at your direction by Mr. George C. Carothers, the special agent of your Department, together with the influence that General Scott seems to exercise over the Mexican leaders.

It would be difficult for one not thoroughly conversant with the Mexican situation and particularly the individuals at the head of the various factions to appreciate the difficult position that a representative of our Government is placed in in dealing with them from day to day in such a way as to still maintain friendly relations and accomplish good results.

Mr. Carothers seems to be peculiarly fitted for this difficult position and has at all times acted with promptness and dispatch in making any proper representations to the de facto authorities in behalf of Americans interested in the country when brought to his attention.

I am [etc.] A. J. McQUATTERS.

File No. 812.512/790.

Special Agent Silliman to the Secretary of State.

VERA CRUZ, *August 26, 1915.*

SIR: In reply to the Department's unnumbered communication of July 28 regarding [etc.], I have the honor to call the Department's attention to my despatch of August 13 with enclosures; also to my cablegram August 6; also to various other communications on this matter.

The results of the representations may be summarized from the closing clauses of the document [80] from the Secretaría de Hacienda y Crédito Público dated the 29th of last July which is to the effect that mining properties will be allowed until the 31st of August to pay their pending taxes; and that those who apply directly to the Department here, giving sufficient reason for reduction of taxes, will be allowed the reduction, considering the circumstances attending each particular case.

I have [etc.] JOHN R. SILLIMAN.

File No. 812.512/780.

Acting Consul General Robertson to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL,
Monterey, August 28, 1915.

The majority of miners have petitioned Vera Cruz in compliance with telegram from Consul Silliman. Up to the present only two replies have been received, both of them to Americans, conceding payment on the basis of ten pesos Mexicon gold for each hectarea per annum for the period of July to October and providing future payments in conformity with decree of March 1. This is not in conformity with Consul Silliman's telegram quoted in the Department's July 28 [to Consul General Hanna]. It means practically taxes twelve times what was paid for the period of March to June. Americans asking what shall they do and also in case no reply received by the 31st instant, the last day to make payment.

ROBERTSON.

File No. 812.512/780.

The Secretary of State to Acting Consul General Robertson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 31, 1915.

Department telegraphing Silliman urgently request two months extension time for compliance with decree. Meanwhile it would seem

[80] Quoted in Inclosure 2 with Mr. Silliman's August 13.

that mine owners might think it advisable defer payment until Silliman answers.

LANSING.

File No. 812.512/780.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 31, 1915.

Acting Consul, Monterey, telegraphs many American mine owners have petitioned Vera Cruz to accept mining taxes at old rate for present quarter but have not heard from petitions.

Some mine owners located in United States have not been informed concerning conditions in time to make application before August 31 and fighting vicinity Monterey has prevented others from acting.

Bring above to attention appropriate authorities and, reserving all rights under protest previously made against decree March 1 as confiscatory, urgently request two months extension of time for compliance therewith and say pending reply mine owners should not be expected to pay.

LANSING.

File No. 812.512/784.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *September 1, 1915.*

Department's August 31. Yesterday the First Chief issued decree reducing taxes to six pesos per pertenencia for the quarter ending November this year; eight pesos for quarter ending February 1916. Commencing March 1916 the rates of the decree of March 1, 1915, will be effective for taxes pending prior to July 31, 1915. Six pesos annual for each pertenencia up to twenty-five pertenencias may be paid, and for each pertenencia exceding twenty-five three pesos per pertenencia, annual. To those who have already paid the rates established by the decree of March 1, 1915, the excess be returned. Payments may be made up to September 30 without fine. Please advise Consul General, Monterey; full text decree by first mail.

SILLIMAN.

File No. 812.512/796.

Special Agent Silliman to the Secretary of State.

VERA CRUZ, *September 1, 1915.*

SIR: I have the honor to enclose herewith copy of El Pueblo of this date in which is published the decree of yesterday modifying the mining law of March 1, 1915.

I have [etc.]

JOHN R. SILLIMAN.

[Inclosure—Translation.]

Decree issued by Carranza, August 31, 1915, modifying the mining law of March 1, 1915.

I, Venustiano Carranza, First Chief [etc.], considering that the mining business in general has unavoidably been interrupted by the social disturbances of the country, especially in territory subject to the excesses of the troops opposed to the Constitutionalist Government, and for lack of materials of prime necessity that could not be obtained on account of the war, have thought it proper to decree as follows:

Article 1. During the terms herinafter mentioned, the tariffs set forth in Article 10 of the Law of March 25, 1905, amended by Article 1 of the Decree of March 1, 1915, relating to the taxation of mining properties, are hereby amended as follows:

A. During the tercio between last July and next November, the tax shall be at the rate of Six Pesos ($6) annually for each pertenencia, whatever may be the number of pertenencias.

B. During the tercio between next November and February, 1916, the tax shall be at the rate of Eight Pesos ($8) annually for each pertenencia, whatever may be the number of pertenencias.

C. From March 1, 1916, the tax shall be the same as established by the Decree of March 1, 1915.

Article 2. Mining pertenencias on which taxes are due for a period previous to last July shall bear a tax at the rate of Six Pesos ($6) annually on each of the first twenty-five pertenencias, and of Three Pesos ($3) on pertenencias in excess of twenty-five.

Article 3. To all proprietors of mines who have paid the tax for the tercio beginning last July, there shall be returned a sum equal to the difference between the payment made and the amount due under this decree.

Article 4. The payments fixed by this decree may be made on or before September 30, 1915, without incurring any penalty for delinquency.

Article 5. The payments fixed by this decree shall be made in national gold coin or in its equivalent in silver coin in accordance with the Decree of May 8, 1915.

Done in Vera Cruz, August 31, 1915.

V. CARRANZA.

File No. 812.512/784.

The Secretary of State to Acting Consul General Robertson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 4, 1915.

Silliman telegraphs September 1 as follows in reply Department's telegram August 31 communicating your August 28:

[Quotes Mr. Silliman's telegram of September 1.]

LANSING.

File No. 812.512/786.

Acting Consul General Roberston to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL,
Monterey, September 5, 1915.

Your September 4, 1915. Understand four-month period payments specified in new decree are the rate per annum and are payable in Constitutionalist currency. Is this correct?

ROBERTSON.

File No. 812.512/793.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Telegram.[

MEXICO CITY, *September 9, 1915.*

59. American Society of Mexico requests me to forward following to the Department:

Tax decree August 31, quoted by Silliman, temporarily reduces exorbitant amount of former decrees but levy is still most excessive, because, as Silliman fails to state, the six pesos per pertenencia is now collectible in Mexican gold worth from seven to nine times the Carranza paper money of enforced circulation. Positively majority mine owners cannot pay, which will result confiscation of properties. We strongly urge representations against any increase in mine taxes.

PARKER.

File No. 812.512/786.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 9, 1915.

Your September 1. Robertson, Monterey, telegraphs:

Understand four months period payments specified in new decree are the rate per annum and are payable in constitutionalist currency. Is this correct?

LANSING.

File No. 812.512/795.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *September 10, 1915.*

Department's September 9. New decree provides for a gradual increase until March 1, 1916, when rates of superseded decree will be effective. The unit is the Mexican gold peso; its equivalent in American currency or American exchange will be accepted.

SILLIMAN.

File No. 812.512/793.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 11, 1915.

Parker, Mexico City, telegraphs:

[Quotes Mr. Parker's September 9.]

Continue efforts prevent increase taxes and confiscation mining property on which tax is not paid expiration time limit.

LANSING.

File No. 812.512/793.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 11, 1915.

Your 59, September 9, repeated Silliman with instructions continue efforts prevent increase mining taxes and confiscation property on which taxes not paid expiration time limit.

LANSING.

File No. 812.512/786.

The Secretary of State to Acting Consul General Robertson.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 13, 1915.

Your September 5. Silliman telegraphs:

New decree provides for a gradual increase until March 1, 1916, when rates of superseded decree will be effective. The unit is the Mexican gold peso; its equivalent in American currency or American exchange will be accepted.

LANSING.

File No. 812.512/797.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *September 13, 1915.*

Department's September 11. Government's argument is:

First. Mining taxes have always been disproportionately low. With present depreciated currency they would be so absurdly low as to be entirely inequitable.

Second. In view of depreciated and fluctuating paper currency the only proper and equitable unit is the Mexican gold peso equivalent approximately to fifty cents American.

Third. It is not equitable that a product produced by labor, paid in depreciated currency and sold for gold should pay its Government taxes in gold.

Fourth. It is not unusual for paper currency to be of enforced circulation for the payment of public and private debts and at the same time be declared not legal tender for Government taxes.

Fifth. The Government's intention is to increase its revenue from productive mining properties but not to the extent of embarrassing them or of confiscating properties which are not productive or which are undeveloped.

Observation: Inasmuch as the Government has modified the decree of March 1 and has expressed its willingness to deal with the owners of mining properties upon representation, it is respectfully suggested that the owners of mining properties take up their cases directly

with the Secretary of Hacienda either through a commission from a given locality or by individual owners in person or through correspondence.

SILLIMAN.

File No. 812.512/831.

Special Agent Silliman to the Secretary of State.

VERA CRUZ, *September 18, 1915.*

SIR: As bearing upon correspondence between the Department and myself regarding the recent mining tax decrees, I have the honor to transmit herewith copy and translation of a memorandum sent me by the Secretary of Hacienda, being his own comment upon the mining taxes, laws and decrees.

I have [etc.]

JOHN R. SILLIMAN.

[Inclosure—Translation.]

MEMORANDUM ON MINING TAXES.

In conformity with the Law of March 25, 1905, mining properties paid taxes as follows:

Up to 25 pertenencias, $2 Mexican gold per pertenencia per tercio (period of four months), or one dollar per tercio, 1/4 dollar per month.
25 pertenencias and over, $1 Mexican gold per pertenencia per tercio, or 1/2 dollar per tercio, or 1/8 dollar per month.

The exchange on New York from 1905 to 1912 reached an almost invariable point very close to 1/2 dollar per peso.

The decree dated March 1, 1915, fixes the following taxes:

Up to 10 pertenencias, per tercio per pertenencia $4 Mexican gold, or $1 Mexican gold per month, 1/2 dollar per month.
Up to 20 pertenencias, per tercio per pertenencia, $5 Mexican gold, or $1.25 Mexican gold per month, 5/8 dollar per month.
Up to 50 pertenencias, per tercio per pertenencia, $6 Mexican gold, or $1.50 Mexican gold per month, 3/4 dollar per month.
Over 50 pertenencias, per tercio per pertenencia, $8 Mexican gold, or $2 Mexican gold per month, one dollar per month.

The decree dated August 31 modified the above taxes, temporarily, and only for the two tercios included between the months of July of this year and February next, as follows:

From July to October, per pertenencia, for any number, $2 Mexican gold, 1/4 dollar per month.
From November 1915 to February 1916, per pertenencia, for any number, $2.66 Mexican gold, 1/3 dollar per month.
From the 1st of March, 1916, the tax rate above mentioned as fixed in the decree of March 1 of this year will resume effect.

The law of 1905 favors monopoly, imposing upon the small interests, up to 25 pertenencias, double the tax paid by the large interests, over 25 pertenencias.

The law of March 1 of this year aims at a different purpose; that is, to favor the small interests, imposing lower taxes upon them than upon the large interests. This tendency is perfectly justified, and is sanctioned by the proceedings of all civilized governments.

The decree of March 1 of this year imposes upon the large interests, over 50 pertenencias, double the tax of the small property, 10 pertenencias. The intermediate properties between 10 and 50 pertenencias pay an ascending proportional rate.

In conformity with the income-tax law of the United States, the large interests in the United States pay taxes seven times greater than those paid by the small interests. In conformity with the Mexican mining law which will commence to operate next March, the large interests will only pay double the amount of taxes paid by the small interests. Thus the progressive increase in

the mining tax is very moderate when compared with the income tax effective in the United States.

Comparing the tax fixed by the new law for the small interest with the old tax, it is seen that it is doubled, but this by no means indicates that it has been raised, because the old tax was excessively low. A tax of 1/2 dollar per month per pertenencia cannot be called high, and 1/2 dollar per month is the amount which will have to be paid beginning March 1 next year.

There are some concrete cases which may be cited of mining companies having more than one hundred pertenencias denounced in one mining district, and in some places they have been paying mining taxes during 15 or 20 years without doing one stroke of work on the properties denounced. The progressive tax tends toward eliminating these unjust and unproductive monopolies.

Some mine owners, attempting to show that the taxes are very high, argue by reducing to paper money the value of gold, and comparing this to the amounts formerly paid by them, when exchange was 1/2 dollar for one peso. This is not important, nor even worthy of consideration. The comparison should be made between an amount paid in gold, and another paid in the same kind of money.

The only weighty argument thus far presented by those interested in the reduction of the taxes is that the majority of mining interests have had to entirely or partially stop their work, due to the European war and the state of intranquillity prevailing in this country. But precisely because this reasoning was considered just. the decree of August 31 was issued, reducing considerably the taxes and ignoring the progressive increase, for the two tercios between July 1915 and February 1916.

The interested mine owners also find fault with the fact that the taxes are collected in gold, and not in paper money. They are not justified. For a long time export taxes, the stamp tax on oil, forest exploitation, etc., have been collected in gold, and gradually it will be decreed that other taxes be paid in gold, until all fiscal collections will be made in gold. This fiscal program of the Government, tending to consolidate the monetary system, can in no way be called unjust.

The concerns which produce articles for exportation can object less than any other to paying their taxes in gold. These concerns sell their products for gold, but, on the other hand, pay a great part of their running expenses in paper money. Therefore, they would be absurdly favored if they paid their taxes in paper money.

File No. 812.512/865.

Vice Consul Davis to the Secretary of State.

[Extract.]

No. 587.] AMERICAN CONSULATE,
Guadalajara, September 18, 1915.

SIR: * * * The Carrancista Government has abrogated the edict as to the re-collection of taxes paid to the Villistas.

As, according to the mining tax law, owners have until the end of October before forfeiting all rights to redeem, I am advising them to take the full time before paying, which they can do with safety.

If the Department can give me instructions as to how to better or further advise, I would feel thankful.

I have [etc.]

WILL B. DAVIS.

File No. 812.512/857.

The Mine and Smelter Operators' Association to the Secretary of State.

[Telegram.]

EL PASO, *October 16, 1915.*

In view of proposed recognition by United States Government of Carranza and probability that Carranza forces will be able in a short

time to control affairs in northern Mexico, which have lately been under the dominance of the Villa faction, the entire mineral industry of this northern section of the country is alarmed over the various tax decrees which have recently been issued by the Carranza Government at Vera Cruz and Mexico City, covering payment of taxes on mineral lands and taxes on gold, silver, lead, copper and zinc in ores or bullion exported from Mexico. The decrees involve taxation upon the mineral industries so heavy that it will be difficult for many companies to operate under normal prices at a profit. It would appear that Carranza will endeavor to finance his government largely by these excessive demands upon the mineral industry, and thus in reality obtain his finances from American and foreign individuals and companies. Owing to the fact that, particularly in the northern section of Mexico, a large part of the burden of feeding the Mexican laboring class has been assumed during the past two years by American companies, many of whom have operated without any profit, it does not seem just that the excessive taxation proposed by the Carranza Government should become effective.

We respectfully call this to your attention, soliciting your consideration of this matter, hoping that you may see fit to have some satisfactory understanding with the Carranza Government prior to actual recognition.

THE MINE AND SMELTER OPERATORS' ASSOCIATION.

File No. 812.512/857.

The Secretary of State to the Mine and Smelter Operators' Association.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 19, 1915.

Matters referred to in your telegram of October 16, concerning Carranza tax decrees, receiving Department's earnest consideration.

ROBERT LANSING.

File No. 812.512/865.

The Secretary of State to Vice Consul Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 23, 1915.

Your 587, September 18. Department of opinion American property owners State Jalisco should pay taxes to Carranza authorities.

LANSING.

File No. 812.512/902.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

No. 179.] MEXICO CITY, *October 30, 1915.*

SIR: I have the honor to transmit herewith a translation of a memorandum on the mining-tax decree dated at Vera Cruz, March

1, 1915. This translation was handed to me by one of the American members of the International Association and he informed me at the time that a resolution had been approved by the International Association to the effect that this memorandum should be transmitted to the representatives of the various governments whose nationals are members of the association, with the request that it be brought to the attention of the respective governments.

I have [etc.]

CHARLES B. PARKER.

[Inclosure—Translation.]

Memorandum on the decree dated at Vera Cruz, March 1, 1915, referring to new taxes on the mining industry.

The Decree mentioned consists of two parts: 1. taxes on mining property; 2. taxes on mining output.

1. *Tax on Mining Property.* Since the promulgation of the decree in question, another decree has been published making a reduction, but only for the taxes during the period July 1915 to March 1916, on which latter date the full rates provided for in decree of March 1, 1915, go into effect. It is therefore unnecessary to take notice of the temporary reduction for the short period mentioned. In accordance with the decree the mining taxes are fixed as follows:

	Mexican gold.
10 pertenencias at $12	$120
10 pertenencias at $15	150
From 20 to 50 pertenencias at $18	540
From 50 to 100 pertenencias at $24	1,200
Total for the first 100 pertenencias	$2,010
Each additional pertenencia	24

Taking the ratio of the value of Mexican gold with that of government bills at 7 to 1, these taxes signify an increase of thirty times the tax previously paid.

The graduation made in the tariff seems to indicate that the idea of the authorities was as follows:

First. To favor the small property as compared with the large.

Second. To avoid the accumulation of a large number of pertenencias in the hands of a single person without the property being worked.

Is it possible to apply to the mining industry these principles, which have been considered as an agrarian problem?

Agriculture makes it possible for the isolated laborer to produce what he needs in a limited portion of ground, enables the State to furnish to entire districts irrigation improvements and to subdivide among individuals lands thus made usable. Mining conditions are with very few exceptions diametrically different. Land apparently propitious for mining gives no assurance that it will render returns, and when it does furnish them, almost always after heavy expense, the greater part contains ores of so low a grade that large extensions of land are needed to furnish a sufficient quantity of ores to justify a treatment plant. Enormous capital is required for the work of exploration and exploitation and for the treatment of the plant; and, even then, only the economies obtained by carrying on the business on a large scale guarantee a profitable return. Proof of this is found in the cases of many mines which work ores of from 300 to 500 grams of silver per ton, or of 10 to 20 grams of gold per ton—ores which have no commercial value whatever unless the same enterprise works them and treats them in amounts of 500 tons or more per day.

The districts of Pachuca, Guanajuato, El Oro and Zacatecas are composed almost entirely of this kind of mines. The same thing happens with almost all lead, copper and iron mines, whose ores are without value unless they are pro-

duced in large amounts and are tributary to or near some smelter. The expense of exploration is so high that the risk is seldom justified in small properties; for to do so would be to convert mining into a lottery rather than an industry, by limiting it to a search for bonanza ores. These bonanzas are very rare indeed and very uncertain, and an established industry can never be founded on them.

The second point as an apparent basis for the decree is the avoiding of an accumulation of many pertenencias in the hands of one person without the properties being worked. In order to appreciate clearly this point it is necessary to recall the manner in which mining enterprises are formed. In the great majority of cases the pioneers have no capital but are familiar with the districts wherein they devote their time, their labor and a little money to a provisional investigation of the ground and the denouncement of what appears to them as hopeful. These people generally look for capitalists to form companies for carrying on the exploration. For the reasons mentioned above, it is useless to look for capital for properties of a small area. These first companies are generally exploration companies with limited capital, which proceed in a modest way to carry on investigations. Years often pass with greater or less sacrifices until one of the following steps is taken:

1. In the majority of cases the mines are abandoned.
2. A reorganization is attempted by means of the sale of the properties to companies with large capital.
3. In a minimum of cases the first company obtains such results that it can continue to work the property.

The exploration companies first of all need a considerable number of pertenencias in order to carry on their investigations in different places so as to obtain the greatest chance of success. As a typical case, mention may be made of the many companies which explore from 100 to 200 pertenencias at an expense of approximately 4,000 pesos Mexicon currency per month. For such a company the new decree would signify a tax expense of 4,400 pesos Mexican Gold (at 7 to 1 equals 30,000 pesos of legal tender paper), or more or less 60 per cent increase on the exploration expense.

The result is evident; that this class of companies cannot exist in the future and the system of original denouncements cannot be practiced, especially in view of the fact that Article 9 of the decree in question provides for a tax of 10 pesos Mexican gold per pertenencia for the issuance of the titles.

The tax is so high that only producing companies with heavy profits can pay it; but inasmuch as it is necessary to develop new mines to take the place of the old ones which are worked out, the impossibility of new investigations means slow death to mining.

The preceding logical arguments, although theoretical, can be substantiated by actual examples. * * *

2. *Taxes on mining production.* Regarding the export tax, it is to be noted that the taxes have been changed several times. During many years the tax amounted to 2½ per cent on gold and silver. The new tax is approximately 9 per cent on gold and silver, and that too, on the intrinsic value of the metals. If it is considered that the average grade in the majority of the mines does not exceed 500 grams silver and ⅔ of a gram gold per ton, or a gross value of 18 pesos Mexican gold per ton, out of which about 9 pesos Mexican gold per ton represent the cost of extraction and treatment, the result is plain: that the 9 per cent tax on the 18 pesos Mexican gold amounts to an impost of 18 per cent on the net value of the ores. If to this be added the State taxes, stamp taxes, etc., it results that at least 25 per cent of the net product of a mine will consist in taxes, and this in the favored mines which have the grades above mentioned, and without considering the innumerable mines of lower grades where the tax would increase in per cent in direct ratio with the decrease in grade. Where in the world could the mine industry tolerate such an imposition?

Another question, of secondary importance, remains. For more than a year, through lack of traffic, stocks of ores and metals which could not be exported have been accumulating in mines, railway stations, warehouses and smelters. These ores have already suffered a severe depreciation due to the fall in the price of silver of about 20 per cent without counting loss of interest and extraordinary expenses. Now it is proposed to increase the export tax; a part of these ores has already paid the old taxes, thus the original value will fall to about 50 per cent.

File No. 812.512/868.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 1, 1915.

You are instructed to take up with General Carranza question of payment mining and other taxes in territory not under control of recognized de facto government, and ask that manner in which Americans may be fully protected against losses in this respect be clearly indicated. Endeavor to obtain immediate reply, as Department receiving inquiries relating thereto.

LANSING.

File No. 812.512/909.

Vice Consul Davis to the Secretary of State.

No. 621.] AMERICAN CONSULATE,
Guadalajara, November 5, 1915.

SIR: I have the honor to say that it is the purpose of this dispatch to show the arbitrary manner in which mining interests are being treated by the present de facto government, and how foreigners, and principally Americans, are being made the sufferers.

First, I believe that at least ninety per cent of all investments in mining enterprises and their corollaries in Mexico, is the representation of strictly American capital.

Second, the great bulk of these investments were made under very much more favorable conditions than those which were begun to be put in vogue some five years ago, and they have since, and especially under the present government, been made almost confiscatory, and in most unjust, inequitable and arbitrary manners.

The tax, up to a short time ago, had been for several years six pesos per pertenencia—about two and one-half acres. The fiscal year begins July 1 of each year. Taxes could be paid for a whole year, or every four months, but always in advance. If not paid before the end of July, fifty per cent is added for that particular 4 months and then, if not paid before the end of August, one hundred per cent is superadded; and if not paid before the first of October, the property is forfeited to the Government. Said taxes were payable in the circulating medium of the country.

Now the above taxes have been doubled, and must be paid in metallic pesos. And this must be done whether you are, or can be put, in possession of the property or not, or whether the present government is in control of the territory wherein the property may be located, or not.

Moreover, these conditions are being maintained, notwithstanding the fact—which the Government very well knows—that for months—aside from not being able to be in possession of and work their properties—many American owners have not been able to get money from the States to Mexico so they could pay any kind of tax. Therefore—and for no fault of their own—such American investors must lose their properties.

This strikes me as both unjust, unfair and extremely arbitrary treatment, and if anything can be done to stay the operation of these confiscatory measures, I feel that it ought to be done, and the sooner the better.

I have [etc.]

WILL B. DAVIS.

File No. 812.512/891.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Telegram.]

MEXICO CITY, *November 10, 1915.*

151. Many individual miners of the American colony are requesting to be [omission] result of the representations made by the Department with regard to mining taxes. They say that unless more favorable action by the de facto government is brought about before the end of this month, great sacrifices will be entailed upon foreign properties in Mexico. Will the Department please furnish me with such information as it may desire to make known at this time?

PARKER.

File No 812.512/891.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 11, 1915.

130. Your 151, November 10. Only result to date of Department's representations is decree August 31, modifying taxes imposed law March 25, temporarily and only for the two tercios included between the months of July of this year and February proximo, which provides that taxes from November 1915 to February 1916 per pertenencia for any number shall be $2.66 Mexican gold.

LANSING.

File No. 812.512/899.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Telegram.]

MEXICO CITY, *November 16, 1915.*

155. Representatives of the International Association and of the International Mining Association of Mexico have requested me to send the following telegram to the Department:

Americans interested in mines are greatly concerned over the increased mine taxes due this month and especially over the requirements of payment in gold coin, worth now seven times paper currency of enforced circulation. Many individuals and companies of modest resources must let their properties be forfeited for nonpayment; others must apply to taxes funds provided for work-

ing their propreties. Only rich producing companies can afford this outlay. All agree on the injustice of tax increase during times of sufficient [insufficient?] protection, general paralysis of mining operations, interrupted transportation facilities, and, in many cases, impossibility of getting access to the mines. Americans request that renewed representations be made by Washington to Carranza looking to effectual relief until normal conditions return.

PARKER.

File No. 812.512/899.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 18, 1915.

133. Department sending appropriate telegraphic instructions to Silliman regarding subject matter your 155, November 16.

LANSING.

File No. 812.512/899.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 18, 1915.

Department advised that, generally speaking, conditions in Mexico affecting mining properties are still very unfavorable so that operations are yet almost at standstill, with transportation interrupted and access to mines in many cases impossible.

In this view it seems particularly unjust to insist upon increase in mining taxes due this month, or to require payment in gold coin, said now to be worth seven times paper currency of enforced circulation.

Bring to attention of appropriate authorities and earnestly request reduction in taxes to fit existing disturbed conditions. Add that unless such reduction be made, many operators will apparently be unable to make payment.

LANSING.

File No. 812.512/906.

Special Agent Silliman to the Secretary of State.

[Telegram.]

MONTEREY, *November 20, 1915.*

Department's November 18. Mining taxes taken up by wire with Secretary of Treasury at Mexico City. Telegraphic reply requested here care Consul General.

SILLIMAN.

File No. 812.512/888.

The Acting Secretary of State to Special Agent Silliman.

DEPARTMENT OF STATE,
Washington, November 22, 1915.

SIR: Referring to your unnumbered despatch dated September 25 [18], 1915, with which you enclose a memorandum of the Secretary of the Treasury, presenting arguments in support of the claimed equitable nature of the mining decree of March 1, 1915, there is enclosed an extract from a memorandum entitled "The New Mexican Mining Taxes," and you are instructed to bring the statements therein contained to the attention of the appropriate authorities as a reply made by an interested American company to the said arguments of the Secretary of the Treasury.

You will further state that the Department considers it highly probable that the de facto Government of Mexico, upon further consideration of the matter, will perceive the inadvisability, from the standpoint of the future prosperity of Mexico, of imposing such severe burdens upon one of its principal industries and will likewise not be inattentive to the injustice of subjecting the large amount of foreign capital invested in that industry to the greatly increased taxes provided by the decree, which, as the Department believes, will, unless amended, result disastrously to much of that capital.

In conclusion you will request a careful and early re-consideration of the question of mining taxes in the light of the foregoing and of the statements contained in the enclosed memorandum.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

[Inclosure—Extract.]

THE NEW MEXICAN MINING TAXES.

[After quoting the argument in favor of the new law by the Secretary of Hacienda, forwarded to the Department by Mr. Silliman in his September 18, the memorandum continues:]

The [above] argument refers only to the property tax, and does not mention the tax on the product, which is by far the heavier burden on operating properties. In the argument every large business is considered a monopoly, and it holds that it is more just that the mining properties be divided into small units, because some large properties have not done work for a number of years. It calls the aim of the new decree to bring this about "perfectly justified, and sanctioned by the proceedings of all civilized governments." It therefore legislates against the principle of cooperation, association and concerted action. How a federal government promoting such principles can expect to promote modern industry, or even to maintain itself, is not indicated.

The United States income tax—a tax on net profit—should not be cited as a rule and guide for a tax on property, which is a totally different matter. Property may or may never produce income, and the income tax is not a tax on property, no more than is the inheritance tax.

It is hard to make comparisons between taxation in Mexico and taxation in other countries, say in the United States, as the systems of taxation are entirely different and as the yearly federal tax on mining property in Mexico is only a small part of the federal taxes which the miner has to pay.

The tax on production has always been excessive; it now has been made exorbitant and prohibitive; but this production or export tax is ignored in the argument of the Carranza Government. Together with the State tax, it would be 10% of the assay value of the gold and silver produced, which most mining companies are unable to pay. It would stop production.

The Carranza Government claims that the yearly tax on mining property was low, and that it can justly be raised; but it does not consider that in order to get the most revenue from the industry the first requisite is that mining be carried on and properties be worked. In Mexico the amount derived in taxes from mining is immeasurably higher than the amount derived from the tax on mining property, and unless mining property is held by private owners it will not be worked. Private owners are more active in obtaining results from their properties than the government can possibly be.

The lower the tax is made on mining property and on mining titles, the more will be acquired by individuals and the more will be done to make the properties productive. To raise the tax on mining property is to impede development. As the yearly federal tax on mining property in Mexico is only a small part of the federal tax which the miner has to pay—the tax on production being ever so much more burdensome—it is useless to compare this special tax with the amounts paid in other countries. In Mexico the miner pays for his mineral right according to the amount of surface by which it is covered, whether the ground is valuable or not, whether his work is profitable or unprofitable, whether he works or not. And, moreover, he pays on his gross production. In the United States he pays a federal tax on his profits. Corporations are charged 1% of their profits. But there is no federal tax in the United States with which the Mexican federal mining tax can be compared.

File No. 812.512/911.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Telegram.]

MEXICO CITY, *November 22, 1915.*

161. My 59, September 8. Department of Finance published yesterday an authorization to governors of states to collect the proportionable tax on mines corresponding to each state on Mexican gold basis, which implies a further increase on the recently augmented tax.

PARKER.

File No. 812.63/153.

Special Agent Carothers to the Secretary of State.

[Telegrams.]

EL PASO, *November 23, 1915.*

Following received from Douglas today:

Obregon yesterday advised mining companies to resume work in Sonora, guaranteeing safety of themselves and their properties.

CAROTHERS.

File No. 812.512/919.

EL PASO, *November 26, 1915.*

Mining men are anxious to secure an opinion from you regarding payment of taxes for the three months ending November 30 in ter-

ritory controlled by Villa, as well as taxes coming due for three months ending December 31. Also, many companies paid their taxes for the whole fiscal year last July, which covers up to June 30 next year, and they are anxious to know whether they will have to pay them again to de facto government from date of recognition. Can you secure a decision from General Carranza before the end of month, as heavy fines are imposed if not paid before then? This refers to American mine operators.

CAROTHERS.

File No. 812.512/911.

The Acting Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 27, 1915.

145. Your telegram 161, November 22. On ground of injustice to American interests, protest against proposed increase in mining taxes.

POLK.

File No. 812.512/909.

The Acting Secretary of State to Mr. Parker, representing American interests in Mexico.

DEPARTMENT OF STATE,
Washington, November 27, 1915.

SIR: The Department encloses a copy of a despatch [of November 5] from the Vice Consul at Guadalajara, Mexico, setting forth the arbitrary manner in which mining interests are being treated by the present de facto government in Mexico.

You are instructed to bring the statements contained therein to the attention of the appropriate authorities, in connection with previous representations, and earnestly to continue your efforts for a material modification of the decree imposing increased taxes upon mining properties.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 812.512/909.

The Acting Secretary of State to Vice Consul Davis.

No. 239.] DEPARTMENT OF STATE,
Washington, November 27, 1915.

SIR: The Department has received your despatch No. 621 dated November 5, 1915, setting forth the arbitrary manner in which mining interests are being treated by the present de facto government in Mexico.

A copy of your despatch has been sent to Mr. Charles B. Parker, who is acting in representation of American interests at Mexico

City, Mexico, with instructions to bring the statements contained therein to the attention of the appropriate authorities, in connection with previous representations, and earnestly to continue his efforts for a material modification of the decree imposing increased taxes upon mining properties.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 812.512/919.

The Acting Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 27, 1915.

Your November 26. Response recent representations, de facto Government declined assume responsibility for payment taxes in territory controlled by Villa.

Inform interested American citizens that if Villa officials insist upon payment of taxes to them in territory which they actually control, Department of opinion that such taxes, if paid, should be paid under protest, making protest matter of record if possible and taking receipts. Under generally accepted principles international law, such American citizens are entitled to pay taxes to persons in de facto authority.

POLK.

File No. 812.512/902.

The Secretary of State to Special Agent Silliman.

DEPARTMENT OF STATE,
Washington, November 27, 1915.

SIR: The Department encloses a copy of a despatch [of October 30] from Mr. Charles B. Parker, acting in representation of American interests at Mexico City, Mexico, transmitting a translation of a memorandum concerning the mining-tax decree dated March 1, 1915.

You are instructed to bring the statements therein contained to the attention of the appropriate authorities in connection with previous representations concerning the taxes on mining property, and to express the hope of the Department that earnest consideration will be given to the views expressed by the International Association.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 812.512/902.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

DEPARTMENT OF STATE,
Washington, November 27, 1915.

SIR: The Department has received your despatch No. 179 dated October 30, 1915, transmitting a translation of a memorandum concerning the mining-tax decree dated Vera Cruz, March 1, 1915.

A copy of your despatch, with enclosure, has been sent to Mr. John R. Silliman, a special representative of the Department of State, with instructions to bring the statements contained therein to the attention of the appropriate authorities in connection with previous representations concerning the taxes on mining property, and to express the hope of the Department that earnest consideration will be given to the views expressed by the International Association.

[I am etc.]

For the Secretary of State:

WILBUR J. CARR.

File No. 812.512/945.

Mr. S. C. Neale to the Secretary of State.

WASHINGTON, *December 22, 1915.*

SIR: I am requested by the American Smelting & Refining Co., of 120 Broadway, New York City, through Mr. William Loeb Jr., a member of its executive committee, to bring to your attention certain facts in connection with the decrees of General Carranza, of March 1 and August 31 last, which decrees related to mining taxes.

My clients have been advised from Mexico City that the Treasury officials of the Carranza Government have informed the representative of the American Smelting and Refining Company that instead of the production or export taxes being restored to the normal tax under the general law, the taxes imposed by the decree of General Carranza will be even increased; and General Carranza has informed one of the representatives of the American Smelting and Refining Company that the pertenencia tax will be fixed at 9 pesos irrespective of the number of pertenencias.

It is apparent that such a scale of taxation would be most unjust and detrimental to American interests in Mexico and imposes more of a burden than the American mining and smelting industries in that country can possibly stand.

I learn that Señor Luis Cabrera, the Minister of Finance, will be in Washington tomorrow, the 23rd instant, and I indulge the hope that you will see your way clear to point out to Señor Cabrera the gross injustice which will be done to Americans who have invested their money in Mexico, if any such taxation is put into effect by the Carranza Government.

I trust it will be insisted that the Mexican Government collect only the normal taxes imposed by the laws and constitution of Mexico and that any change in these laws should be made by the Mexican Congress instead of imposing taxes by decree without the sanction of Congress.

The decrees heretofore issued by General Carranza have resulted in throttling the development of the mineral resources of Mexico, and even with the taxes restored to the normal basis it will require a very large expenditure of money on the part of American smelting and refining companies in Mexico to put their plants in order and to move supplies necessary for the resumption of operations.

I learn that this whole question of taxation is held open until the Mexican Government can consult with Señor Cabrera, and hence the

desirability of Señor Cabrera being placed in possession of the facts in the case while he is in Washington.

I beg to enclose you a copy of the petition of the Mine Owners Association to General Carranza which was forwarded to General Carranza by Señor Amador, who was acting for Señor Arredondo while that gentleman was in Mexico. I beg also to call your attention to a letter addressed to the Secretary of State by Mr. William Loeb Jr., of October 19, 1915, a copy of which I have not upon my files, which very clearly and fully sets forth the situation in respect to the questions involved.

I am [etc.] S. C. NEALE.

[Inclosure.]

Foreign mine owners to President Carranza.

NEW YORK, *November 10, 1915.*

Your petitioners have the honor most respectfully to lay before you the following considerations:

[Extensive argument against the existing law.]

For the foregoing reasons your petitioners most earnestly appeal to you to suspend the effects of the Decree of March 1, 1915, at least during the period including from November 1 of this year to February 28, 1916, and to permit that the payment of mining taxes during the current tercio of the fiscal year be made according to the provisions of the Decree of August 31, 1915, as applied to the last tercio; namely, at the rate of six (6) pesos per annum; and that the normal constitutional taxes on exports only be collected.

S. C. NEALE,
Representing committee of American and foreign-owned mines and smelters in Mexico.

File No. 812.512/948.

Mr. S. C. Neale to the Secretary of State.

WASHINGTON, *December 27, 1915.*

SIR: As you are aware, on March 1st last a decree was promulgated by General Carranza fixing certain pertenencia taxes which in the opinion of my clients, the American Smelting and Refining Company of New York, were most unjust and which if the payment of the same were enforced would prove most detrimental to American interests in Mexico.

A petition dated November 10, 1915, of the American Mine Owners Association was transmitted to General Carranza by Mr. Amador, who was acting as the representative of the Mexican Government in the absence of Mr. Arredondo, and the result of this petition was that the enforcement of the Decree of March 1 has been suspended until December 31 next.

It has been stated to certain officials of the American Smelting and Refining Company in New York by Mr. Amador that the effect of the suspension of the Decree of March 1 last until December 31 next, acts as a "stay" to the payment of all taxes until an official decision has been rendered by the Mexican Government.

In view of the fact that there may be some question as to whether the suspension of the Decree of March 1 last will act as a "stay" to the payment of all taxes until a decision has been rendered by the Mexican Government, and because it is most important that Ameri-

can investments in Mexico shall not be placed in jeopardy, I venture to ask, upon behalf of the American Smelting and Refining Company, that the Department will obtain from Ambassador Arredondo an official expression of opinion as to whether the payment of taxes, as set forth in the Decree of March 1 last, is "stayed" until an official decision is rendered by the Mexican Government upon this very vital question to American interests.

Anticipating [etc.]

S. C. NEALE.

File No. 812.512/951.

Mr. Wm. Loeb, Jr., to the Secretary of State.

NEW YORK, *December 27, 1915.*

SIR: The Mine & Smelter Operators' Association of El Paso, Texas, have asked me to hand you the accompanying petition and papers in reference to the taxes on mining claims and production imposed by the Carranza decrees, and in which they pray that the said decrees be abrogated and that the mining tax laws established by the last duly constituted legislative branch of the established Government, that of 1905, be made effective.

Very respectfully yours,

WM. LOEB JR.

[Inclosure.]

The Mine & Smelter Operators' Association to the Secretary of State.

EL PASO, TEXAS, *December 23, 1915.*

SIR: Under date of October 16 we had the honor of addressing you by telegram as follows:

[Quotes the telegram; see ante.]

In answer to the above telegram we had the pleasure of receiving the following message from you:

[Quotes the Department's telegram of October 19; see ante.]

Under date of October 19, Mr. Wm. Loeb, Jr., on behalf of many of the American companies operating mining properties in Mexico, had the honor of addressing a letter to you supplementing the conference which he had just had with your Department.

A copy of this letter is hereto attached. [Subinclosure 1.]

On October 19 formal recognition was extended to General Carranza. Apparently, however, nothing that had any reference to the arbitrary and excessive mining tax decree was involved in the recognition extended him. We are led to infer, however, that it was your opinion that the best plan for us to pursue was to lay our case before General Carranza and his appointed Departments, requesting his consideration of the same, with the end in view of obtaining the abrogation of his decree and a return to the laws established by the last constitutionally appointed legislative branch of the Mexican Government. Therefore practically the entire mineral industry of Mexico, all of which is so vitally affected, has taken great pains to compile a statement of the situation as it affects the various parts of the industry in the various parts of the Republic of Mexico.

We attach hereto a copy of the petition presented by this Association to the Secretary in charge of the Department of Finance and Public Credit in Mexico [subinclosure 3]. We also attach a copy of the petition presented to General Carranza by the owners and representatives with headquarters in New York of many of the more important American and foreign-owned mining undertakings in Mexico [subinclosure 2]. We also attach a copy of the petition presented to

the Secretary in charge of the Department of Finance and Public Credit by the many members of the International Mining Association with headquarters in Mexico City [subinclosure 4]. Besides the petitions above referred to, many other representations were made to both General Carranza and his department chiefs. Every petition, without exception, has involved the request for the abrogation of the excessive tax decreed by General Carranza and the return to the last tax laws legally enacted in accordance with the Mexican Constitution.

We regret to have to advise you that the Secretary in charge of the Department of Finance and Public Credit in Mexico has stated to us in reply to the petition that, with the possible exception of a slight modification in the rate of taxation on mining claims (a division of the total tax on the mining industry which is insignificant in comparison with the tax on the production of the mineral industry), it was his belief that no modification of the decree should be made; but that, on the contrary, the tax should be increased to an even higher extent. And we regret to state that General Carranza, in reply to the petitions, has stated to us through our representative who conferred with him at Monterey on November 26, that he would not change the decree.

In view of the desperate condition of affairs with which we are confronted because of the refusal by General Carranza and his Departments to abrogate his excessive tax upon the products of our mining properties, and in view of the kind consideration which you have given to our messages and to the friendly attitude indicated in your telegram to us of October 19, we appeal to you for your assistance in the endeavor to have abrogated the decree of General Carranza of March 1, 1915, and to have made effective once more the mining-tax laws of Mexico as established by the last duly constituted legislative branch of the established Government, which laws are referred to in our petitions as the laws in effect in 1905.

We on our part assure you, as we have already endeavored to do to General Carranza, that if the decree is abrogated and the constitutional laws made effective, we will bend every effort to effect the earliest possible restoration of the industry in all its branches, which will result in ever steadily increasing revenue and prestige to the present Mexican Government.

Very respectfully,

MINE AND SMELTER OPERATORS' ASSOCIATION.

[Subinclosure 1—Extract.]

Mr. Loeb to the Secretary of State.

OCTOBER 19, 1915.

SIR: With further reference to the position of this and other American companies in respect of mining interests in the Republic of Mexico, and as supplementary to the conference which I had the honor to have at your Department on the 14th instant, I beg leave to submit certain data in connection with the taxation of Mexican mining properties, present and prospective, and respectfully to submit for your consideration the suggestion that General Carranza, as a condition to the recognition of his government by the Government of the United States, may be brought to guarantee that mining interests in Mexico, pending the restoration of civil government, will not be taxed otherwise than in accordance with the constitutional laws of the Republic now in force. The occasion of the present representation is the fact of a mining decree issued by General Carranza under date of March 1, 1915. * * * By this executive or military decree, the taxes on gold and silver are raised 2-1/2 times above the taxes prescribed by law; and a tax is levied against copper, lead and zinc, whereas none exists against these metals under present laws; the pertenencia tax, or annual tax on mining claims, is raised from two to eight times above the tax lawfully imposed; and all taxes are further increased by the requirement that the same shall be paid in gold, whereas under the present law they are payable in Mexican currency. In view of the great depreciation in Mexican currency, this company is not disposed to question the inherent justness of requiring the payment of taxes to be made in gold, notwithstanding the departure from existing law in this respect; and, as a matter of equity, it is not unwilling to make payment of the lawful taxes in the latter specie. It is insisted, however, that changes in the amounts or kinds of taxes imposed cannot properly, justly nor lawfully be made by military order or executive decree, but must await the

consideration and action of a duly constituted legislative branch of an established government. If taxes can arbitrarily be laid and collected by the autocratic decree of a civil or military chief, the services of a deliberative and representative body, such as a legislature, is likely to be permanently dispensed with. And if such a claim of authority is allowed in one instance, future exertions of authority in the same direction are likely to follow, with less and less restraint, until the point of confiscation is reached and passed. * * * The present mining taxes in Mexico as prescribed by law, compared with like taxes imposed on similar operations almost universally elsewhere, are in themselves burdensome, independently of the additions imposed by the decree of March 1, 1915. In the face of such burdens, we protest against the exaction of tribute by arbitrary and irresponsible authority, and the danger, inherent in such decrees, of the confiscation of private property through the exercise of essentially despotic power.

In conclusion, I beg leave to add that the matter here presented is in no way connected with the much misunderstood subject of Mexican "concessions." Such concessions are granted pursuant to law, and in the manner and under the rules prescribed by law (see law of Nov. 10, 1908). Foreigners may have the benefit of them not otherwise than natives may. They are not available to the mining industry except as they are available to every other industry. They are in the nature of franchises, analogous to our grant of a charter of incorporation, or of a license to engage in a certain business, and are granted to encourage the investment of capital in new enterprises and to aid in the development of new industries. They run for a limited term of years, and the exemptions they allow from certain minor forms of taxation are counterbalanced by the obligations they impose upon the concessionary, in respect of the amount of capital invested, the character of the development, and the subjection exacted to supervision by the state. Such mining concessions as this company and its subsidiaries have held have long since expired by limitation. Moreover, the tax exemptions granted under such concessions, have, and had, no relation to the taxes herein referred to.

Very respectfully,

WM. LOEB, JR.

[Subinclosure 2—Extract—Translation.]

Foreign mine owners to President Carranza.

[See Mr. S. C. Neale's letter of December 22 to the Secretary of State.]

[Subinclosure 3—Extract.]

The Mine and Smelter Operators' Association to the Secretary of Finance.

MEXICO, D. F., *November 20, 1915.*

H. M. Dieffenbach, in representation of the Mine and Smelter Operators' Association, formed of the principal mining and smelting companies in the north of the Republic, before you appears and respectfully states:

[Here follows an extensive argument for the abrogation of the existing decree and a return to the old law.]

From the foregoing it plainly appears that all governments have always endeavored to stimulate the low-grade mines, thus contributing to the prosperity that such mines now enjoy. This corroborates our contention that it is absolutely indispensable not to increase or overburden with further taxes these properties, for the reason that this would tend to annihilate the low-grade mines, which require for their existence considerable extents of ground wherefrom to extract ores in large quantities. And in this connection we repeat that this class of mines are valuable only under appropriate legislation, and upon the understanding that the taxes under which they are brought into existence shall not be increased.

In view of all the foregoing, I beg very earnestly to request that you give your attention to each and all of the points that I have taken the liberty of including in the foregoing paragraphs; that, acting in equity and justice, you

kindly reconsider the Decree of March 1, 1915; and that, upon finding our petition justified, you abrogate the same in all its parts, in order that the laws governing the mineral industry during the constitutional administration of the late President Madero may be placed again in full force, with the sole exception that the taxes therein comprised be paid in Mexican gold.

I avail [etc.]

H. M. DIEFFENBACH.

[Subinclosure 4—Extract—Translation.]

The International Mining Association of Mexico to the Secretary of Finance.

MEXICO, D. F., *November 20, 1915.*

The undersigned, owners of mines and plants for the treatment of ores, or representatives thereof, as may be verified in due course, before you respectfully appear and state:

That the study embodied in the enclosed memorandum, which should be considered as forming a part of this petition, demonstrates, in our opinion, that the mining taxes actually in effect will result in enormous injury to the mineral industry at large, and will also impair the revenue of the National Government. In view of which, and for the reasons set forth in the said memorandum, we respectfully request that, taking into consideration our allegations and with the promptness and urgency the case requires, you will be pleased to declare that, for the best interests of the Government as well as that of the taxpayers, the Decree of March 1, 1915, with all its effects and consequences, either arising from said decree or from other decrees, orders, circulars, etc., recently issued in connection with this matter, be abrogated.

For the International Mining Association of Mexico:

[SIGNATURES.]

MEMORANDUM.

[Argument against the existing laws relating to the tax on mining property and the tax on mining products.]

From the arguments hereinabove set forth, it is evident that the Decree of March 1, 1915, must be abrogated; that greater franchises be granted to the mineral industry; and that regular transportation service be reestablished as quickly as possible. With all of which, four things of vital importance may be achieved at once: furnish work to thousands of laborers in the various mineral zones of the country; spread liberally important sums of money, thus vivifying extensive regions now completely stagnant; increase exports, thus bettering the commercial balance; and, finally, provide the treasuries of the Federal Government, as well as those of the states and municipalities, with revenues of considerable importance which they now fail to receive and which will certainly continue to be missing if it is determined to leave in effect the decree hereinbefore repeatedly mentioned.

File No. 812.512/951.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 28, 1915.

You are hereby instructed to proceed to San Luis Potosí and bring to the attention of General Carranza the Department's telegram of June 30 last in regard to mining taxes, copy of which you will take with you. You will point out strongly to General Carranza that the taxes imposed by the decree of March 1 last and by subsequent modi-

fications thereof are not justified by laws emanating from the Mexican Constitution. You will also earnestly state to him that any collection of taxes from mining and smelting interests in Mexico which has been made by reason of the decree and modifications thereof above mentioned are to be regarded only as deposits, subject to liquidation when more nearly normal conditions have been restored in Mexico.

The Department is informed that some of the American mining interests, through inability to meet the increased pertenencia tax imposed, have been compelled to suspend payment on certain of their holdings. This, however, is not to be considered as any reliquishment of rights, and you will impress upon General Carranza the importance of his not taking any action that might cloud or endanger the title to such holdings, reserving to the owners thereof the right of redemption at the time stated in the previous paragraph.

Mining and smelting properties in Mexico have endured great hardships during the past few years, paying no dividends during that time and being a drain upon the companies; and the imposition of excessive taxes now, when encouragement should be given, would result disastrously. These mines employ more than five hundred thousand Mexicans, affording sustenance to five times that number. The resumption of work is desired by the companies and it is of great economic importance to the de facto government, because every laborer earning an honest wage is a factor in the restoration of peace and order.

LANSING.

File No. 812.512/952.

Special Agent Silliman to the Secretary of State.

[Telegram.]

SALTILLO, *December 29, 1915.*

In compliance with Department's December 28, will leave tomorrow to deliver Department's message to General Carranza.

SILLIMAN.

TAXATION OF AMERICAN CITIZENS.[81]

File No. 812.512/558.

Consul General Shanklin to the Secretary of State.

AMERICAN CONSULATE GENERAL AT MEXICO CITY,
Written at Vera Cruz, February 17, 1915.

SIR: I have the honor to request the Department's instruction in regard to the payment of mining and land taxes on behalf of American citizens with such interests in Mexico. For many months before I left Mexico City I was able to pay such taxes into the Treasury Department there, regardless of where the property was situated, and now that the Carrancista (Constitutionalista) Government has

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[81] Continued from For. Rel. 1914, pp. 730–758. For mining taxes, see Protection of American mining interests. For taxation of oil property, see Protection of American oil interests.

established its capital here in Veracruz, has brought all archives of the different departments here, several Americans have written me in regard to the payment of their taxes here. I await the Department's instruction.

I have [etc.]

ARNOLD SHANKLIN.

File No. 812.512/558.

The Secretary of State to Consul General Shanklin.

No. 710.] DEPARTMENT OF STATE,
Washington, March 12, 1915.

SIR: The Department has received your unnumbered despatch of February 17, 1915, requesting instructions in regard to the payment of mining and land taxes on behalf of American citizens with such interests in Mexico.

You may state to the inquiring American citizens that the Department considers that under the generally accepted rules of international law they are entitled to pay taxes upon their property in Mexico to persons in de facto authority and that in determining the question of the proper persons to receive payment of taxes it would appear that they would do well to consider the matter of the local control of the territory in which their properties are situated.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 812.512/582.

Consul Guyant to the Secretary of State.

No. 337.] AMERICAN CONSULATE,
Ensenada, March 15, 1915.

SIR: I have the honor to advise the Department that the local government, headed by Colonel Esteban Cantú, of Mexicali, has recently become very active in the collection of taxes, both on real estate and on business, and that the financial situation in this district is causing much dissatisfaction.

Real estate taxes in the district have in the past been collected at the rate of 4 pesos per 1000 pesos assessed valuation. Last July 1 these taxes were paid in advance for the fiscal year ending June 30, 1915; but three days ago an order appeared increasing the tax rate to 10 pesos per 1000 effective January 1, 1915. This means that property owners must pay an additional 6 pesos per 1000 pesos valuation for the half year January 1 to June 30.

The business or commercial tax of the district has been assessed on all mercantile houses according to the nature and size of their business. By law this tax is payable bi-monthly in advance, becoming due between the 1st and 10th of July, September, November, January, March and May of each year. The March payment has just been made by local merchants and now, on March 12, comes an order for the immediate payment of the May tax.

It is also announced that a poll tax of two pesos per month on all adult males in the municipality of Ensenada will soon be passed by the local municipal council at the order of Colonel Cantú.

As previously reported, Colonel Cantú is flooding this place with Mexican 50-cent pieces, which are not legal tender. This is the only kind of money coming into the town, being sent from Mexicali to pay troops' and civilians' salaries. In all government offices, however, tax, stamp and duty payments are accepted only in silver pesos or in American money at the arbitrary rate of one for two. As there are no silver pesos in the district, and as their importation is impossible because of the prohibitive duty, all payments to the local government must be paid in American money. So we have the Cantú officials doing an excellent business in sowing 50-cent pieces (worth about 32 cents to the peso) and reaping good American gold at one dollar for every two pesos. This procedure on the part of Colonel Cantú is slowly but surely killing what little industry and commercial activity is left here.

Threats of penalties and of confiscation are made by the local authorities if the extra payments demanded are not forthcoming, and I have advised those Americans who have made complaint to this office to pay under protest, as being the only possible course under the circumstances.

I have [etc.]

CLAUDE E. GUYANT.

File No. 812.512/582.

The Secretary of State to Consul Guyant.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 23, 1915.

Your 337, March 15. In addition to advice reported as given American citizens, advise them make protest matter of record if possible and take receipts.

BRYAN.

File No. 812.512/586.

The International Development Company to the Secretary of State.

[Telegram.]

LOS ANGELES, *March 25, 1915.*

Own in Lower California, Mexico, forty valuable iron properties, held twenty-five years. Local dictator demands payment taxes American money. This, and previous illegal double tax, makes amount ten times legally due. Other factions refuse recognition payment. Formally protest. Request advice what action pursue. Kindly wire collect. Time expires first.

THE INTERNATIONAL DEVELOPMENT COMPANY.

File No. 812.512/586.

The Secretary of State to The International Development Company.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 25, 1915.

If tax not confiscatory and not discriminatory as against American citizens and unless it can be clearly established tax illegally imposed, Department advises payment under protest in money demanded, making protest a matter of record if possible and taking receipts.

Under generally accepted principles international law American citizens owning property in Mexico are entitled pay taxes to persons in de facto authority.

W. J. BRYAN.

File No. 812.512/583.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 26, 1915.

Please request appropriate authorities advise you immediately whether Governor Cantú, functioning Ensenada, is subject to orders from Mexico City, and if so to whom and how taxes on mining property Lower California may be paid. Also please request that, owing to existing confusion, no action be taken looking to forfeiture American-owned property that section for non-payment taxes.

W. J. BRYAN.

File No. 812.512/583.

The Secretary of State to Consul Guyant.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 26, 1915.

Report whether Cantú subject to orders de facto authorities Mexico City. Request him to advise you immediately how and to whom taxes may be paid on American-owned mining property Lower California; and state that, owing to existing confusion, no action should be taken for forfeiture such property account non-payment taxes.

BRYAN.

File No. 812.512/603.

Consul Bonney to the Secretary of State.

No. 175.] AMERICAN CONSULATE,
San Luis Potosí, March 31, 1915.

SIR: I have the honor to report that an arbitrary tax of ten per cent ad valorem has been placed upon all shipments of goods out of

the State of San Luis Potosí. The tax is intended as a revenue measure and to keep foodstuff within the State. It falls heavily upon local importers whose market is in other States and places them at a disadvantage in their competition with other distributing centers. It will not affect imports which may arrive when importing is resumed, as jobbers will order such new goods sent direct to final destination and will not pass them through San Luis Potosí, but it prevents jobbers, especially in machinery, from reducing stocks already on hand.

I have [etc.]

WILBERT L. BONNEY.

File No. 812.512/596.

Consul Guyant to the Secretary of State.

No. 341.] AMERICAN CONSULATE,
Ensenada, March 31, 1915.

SIR: I have the honor to acknowledge the receipt of the Department's telegraphic instruction of March 26, 1915.

Cantú has stated to me, and his military representative here has lately reiterated, that he recognizes the Convention Government of Mexico—which I understand is the present de facto government in Mexico City—as supreme. From personal observation, however, I would say that he is "subject to its orders" only so far as suits his convenience. Lower California is relatively so unimportant in furthering the interests of either Villa or Carranza that the local dictator, acting with discretion, has practically a free hand, and Cantú, taking advantage of this, is more independent than a European monarch.

About a year ago when paper money—which had depreciated in value—was circulating here, mining taxes were doubled in order to offset the depreciation in paper currency. Now that paper is not accepted and all payments of taxes must be made in silver pesos or American money the increased amount demanded works out as a hardship, but naturally no move has or will be made to place the taxes on their former basis. Most American mine owners have paid their taxes for the ensuing four months (the time for payment expiring today) in silver; but two companies, desiring to test the order not to receive paper money, have today tendered payment of their taxes in that currency. Upon its being refused they have notified the tax collector that the money is deposited with local merchants subject to his order at any time he may produce a receipt for the taxes paid. When mining taxes are not paid upon falling due the owner must pay 50 per cent additional if he pays them within the next succeeding three months, after that he has three more months during which he can pay with 100 per cent added. If not paid at the end of the second three months the mines are sold for taxes. It appears that these two companies are doomed to fail in this attempt to force the acceptance of paper money for the simple reason that it is not legal tender. However, on account of the doubling of the taxes they will undoubtedly resist any move to nullify their titles.

Another unjust action in the matter of mines has been the decree nullifying all mining titles issued during the Huerta régime. Ameri-

cans here who obtained titles during that period were given until today to redenounce their mines. As they could have no assurance that in the future such redenouncement would legalize their holdings any more than the original titles, they have taken no action but will look to the United States to protect them against confiscation. This matter was reported to the Department in my despatch No. 328 of February 8, 1915.

With reference to the second part of the Department's telegram above quoted, mining taxes should be paid in Ensenada to the administrator of the stamp office, Julio Viderique, in the same manner as always. Mail payments are, however, insecure and unsatisfactory and all Americans owning mines should have—and nearly all do have—agents here to attend to the matter for them.

I have informed Colonel Cantú by mail that the American Government advises that, on account of existing confusion, no action should be taken for the forfeiture of mining title held by American citizens because of non-payment of taxes.

I have [etc.]

CLAUDE E. GUYANT.

File No. 812.512/600.

Consul Guyant to the Secretary of State.

AMERICAN CONSULATE,
Ensenada, April 3, 1915.

SIR: Referring to the Department's telegraphic instruction of March 23, I have the honor to report that this is the advice I have been giving to Americans when reporting to me demands made upon them for increased taxes.

I have [etc.]

CLAUDE E. GUYANT.

File No. 812.512/594.

Mr. Walter Anthony to the Secretary of State.

PHILADELPHIA, *April 3, 1915.*

SIR: I own mining properties in the State of Jalisco near Guadalajara. Until now, I have been sending my remittances for the payment of taxes, due each four months, viz: March, July and November, through the Fourth Street National Bank of Philadelphia, who telegraph their correspondent the Bank of London and Mexico at Guadalajara. They now refuse to accept my remittance stating that on account of the conditions in Mexico being much worse than heretofore they have no communication between their correspondent and themselves. The telegraph companies also refuse to telegraph the remittance.

If the taxes are not paid, the properties will revert to the Mexican Government.

Kindly advise what I shall do.

Very truly yours,

WALTER ANTHONY.

File No. 812.512/594.

The Acting Secretary of State to Mr. Walter Anthony.

DEPARTMENT OF STATE,
Washington, April 9, 1915.

SIR: The Department has received your letter of April 3, in regard to the payment of the taxes on your property in Mexico, and in reply informs you that on March 30, 1915, the Department was informed by the Brazilian Minister at Mexico City that the so-called Foreign Office now functioning in that place had advised him that payment of taxes on property located in territory under the control of the faction now occupying Mexico City might be paid either in Mexico City or in Chihuahua, or that money might be deposited for such payment in any bank in the United States, to the order of the Treasurer General, sending mail advices thereof to the Minister of Finance at Mexico City.

If, therefore, the section in which your properties are located is now controlled by the Villa-Zapata forces, it would appear that you might pay taxes thereon by one of the methods indicated.

I am [etc.]

ROBERT LANSING.

File No. 812.512/616.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 26, 1915.

St. Louis and Oaxaca Iron and Steel Company, American concern, reports it bought seven years ago for $33,000 gold, iron and timber lands State Oaxaca located seventy-five miles from railroad, undeveloped and only potential value; have never paid any revenue; annual tax heretofore $750 gold; annual tax now imposed $14,000 gold.

Bring to attention appropriate authorities; request to be informed whether State Oaxaca under their control and if so what action they intend to take with reference to this clearly confiscatory tax.

BRYAN.

File No. 812.512/647.

Consul General Shanklin to the Secretary of State.

AMERICAN CONSULATE GENERAL AT MEXICO CITY,
Written at Vera Cruz, Mexico, May 1, 1915.

SIR: I have the honor to acknowledge receipt, today, of the Department's instruction of March 12, No. 710, the contents of which will be transmitted by me to American citizens inquiring in regard to the payment of their mining taxes.

I have [etc.]

ARNOLD SHANKLIN.

File No. 812.512/666.

Vice Consul Davis to the Secretary of State.

No. 557.] AMERICAN CONSULATE,
Guadalajara, May 8, 1915.

SIR: I have the honor to hereby confirm a telegram which I tried to forward you yesterday, but could not because we are again cut off from Manzanillo:

Both central and state governments demanding repayment all taxes collected during occupation Convencionalistas. Am protesting but fear if Washington does not protest to Carranza my efforts may not avail much here.

And to further call your attention to the enclosed copy of a circular letter, from Luis Cabrera, Carranza Secretary of Treasury, to all administradores de rentas, as well as my letter to Acting Governor Berlanga, dated today, on the same subject.

I have [etc.]

WILL B. DAVIS.

[Inclosure 1—Translation.]

Circular No. 8, relative to the nullity of payment of Federal taxes made to pretended authorities.

There are frequent cases in which Federal tax collectors inquire of this Department whether they should accept as valid the payment of taxes to the pretended authorities who without right had been occupying places that have since returned to the power of the Constitutionalist Army. Once for all, and by order of the First Chief of the Constitutionalist Army, in charge of the Executive Power, be it known by all tax collectors directed by this Department that they must not accept as valid any payment made to pretended authorities not recognized by this Government; and they will proceed to collect the taxes not heretofore collected by our authorities. This order extends to payments hereafter to be made in places now occupied by rebel forces or which they may hereafter occupy.

DEPARTMENT OF THE TREASURY,
Vera Cruz, February 16, 1915.

LUIS CABRERA.

[Inclosure 2.]

Vice Consul Davis to Acting Governor Berlanga.

I have learned that both the Central Constitutionalist Government and the Government of this State will decline to recognize receipts issued for taxes paid during the occupation of this city by the Conventionists.

It would seem that this is not based on justice, and I will have to protest energetically against such a resolution in so far as concerns interests of foreigners under the protection of this Consulate.

Foreigners resident in the country, on subjecting themselves to this class of acts on the part of one or other revolutionary faction, would imply a recognition on the part of such foreigners of the legality of one or the other of the factions or governments, although not at present recognized by any foreign government.

I recognize that it is the duty of persons resident in a foreign country to submit to the laws and authorities resident at the time in such country, be the government de jure or de facto, and it is not for them to decide if such government is or is not legally constituted.

I will present to you the following concrete case: While the Conventionista forces occupied this city I received instructions from Mr. W. J. Bryan, Secretary of State of the United States, to pay the taxes of an American mining

company, and to draw on him for amount so expended. I went to the tax office and made the payment, and drew on Mr. Bryan for the amount, attaching to my draft the receipts of the government I then found here.

I leave to your superior judgment whether it was incumbent on me to say if that government was legal or not, and if I should now make a second payment to the government that I now find in power, and again draw on Mr. Bryan.

I avail [etc.]

GUADALAJARA, *May 8, 1915.* WILL B. DAVIS.

File No. 812.512/635.

Special Agent Silliman to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Vera Cruz, May 10, 1915.

Department's April 26. Governor of Oaxaca informs Foreign Office that he has no information in the matter. Foreign Office requests particulars.

SILLIMAN.

File No. 812.512/662.

Mr. M. J. Brophy to the Secretary of State.

BISBEE, ARIZONA, *May 22, 1915.*

DEAR SIR: I wish to place before you for your advice, and also in protest, the extraordinary situation we are up against in the payment of taxes on our copper properties in Lower California.

The control of this territory was seized in the early part of this year by a former Huerta officer, Col. Cantú. As must be known to your Department, he is acting in a very arbitrary manner, as evidenced by such actions as the seizing of the English merchant steamer *Cetriana*, whose cargo of bullion and merchandise he attempted to confiscate. He resides on the American side of the line, and is endeavoring during his tenure of office, by exorbitant impositions and taxes to squeeze every cent possible out of the country.

Col. Cantú in March demanded the payment of the double mining tax instituted by the Huerta Congress, in Mexican silver or American gold at an exchange rate of 2 for 1. By placing an impossible import duty on silver, he made payment in United States currency compulsory.

The Huerta Congress, which established the double mining tax to offset the depreciation in Mexican money, decreed that bank bills should be legal tender. For this reason, on the advice of our Mexican attorneys, we offered payment of the double tax through the American Consul in bank bills, and the same was refused.

We are advised that Mexican mining taxes are a federal matter; that the Congress of that country only, has the power to enact laws respecting them, and the interpretation of said laws can only be made by the Minister of Fomento.

We are endeavoring to effect payment of our taxes to the proper authorities and in accordance with the laws of Mexico.

Cantú in the official paper published at Ensenada admits his adherence to the Villa faction and publishes their decrees, etc. Consequently Villa is head of the de facto government of Lower California.

We placed the matter before his Secretary of Finance in Chihuahua, and were instructed to pay the single tax in Mexican gold or American at 2 for 1, with the privilege of payment in Chihuahua.

I am informed by other interests who are involved in the same confusion and who have acted along similar lines to ourselves, that Cantú now refuses to accept the Villa decree and demands double the imposition of March with threat of confiscation if not paid during the month of May. He takes this action in spite of Villa's decree that, because of the confusion, no penalty should be enforced.

We protest to you against the arbitrary acts of this local jefe político and request that you take such action as may lie in your power to protect our interests in Lower California and prevent the illegal confiscation threatened.

Yours truly,

M. J. BROPHY.

File No. 812.512/658.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 28, 1915.

Consul, Guadalajara, reports central and state governments demanding payment again of taxes collected during occupation Convencionistas. Department believes that Carranza will recognize generally accepted principle of international law that property owners are entitled to pay taxes to persons in de facto authority, of which principle Department has from time to time advised interested American owners of property in Mexico, and upon your bringing matter to his attention will immediately issue orders to authorities to desist from this unjust action. Matter urgent and Department will appreciate being advised at once of Carranza's attitude and action taken.

BRYAN.

File No. 812.512/658.

The Secretary of State to Vice Consul Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 28, 1915.

Department sending appropriate instructions to Silliman concerning demand for repayment taxes.

BRYAN.

File No. 812.512/662.

The Secretary of State to Mr. M. J. Brophy.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 29, 1915.

Judged by statements contained your letter May 22 you are apparently entitled to pay mining taxes to so-called Villa Government

Chihuahua. In event taxes so paid, Department would endeavor protect your properties against any threatened confiscation by authorities Lower California because of non-payment taxes to them.

W. J. BRYAN.

File No. 812.512/666.

The Acting Secretary of State to Vice Consul Davis.

No. 204.] DEPARTMENT OF STATE,
Washington, June 21, 1915.

SIR: The Department has received your despatch No. 557 of May 8, 1915, in regard to the demand by the Constitutionalist faction for the re-payment to them of all taxes paid to the Convencionistas during the latter's occupation.

Your attention is called to the Department's telegram of May 28, 1915, informing you that it had issued appropriate instructions in the matter to Mr. John R. Silliman, American Consul, who is now at Vera Cruz.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 812.512/676.

The Acting Secretary of State to Consul Guyant.

No. 226.] DEPARTMENT OF STATE,
Washington, June 21, 1915.

SIR: The Department encloses a copy of a communication,[72] saying that the taxes on the property in Lower California of the company mentioned were paid to the de facto authorities at Chihuahua, which action was approved by the Department.

It appears that the company has been notified that its properties are posted for non-payment of taxes and subject to denouncement, and the company requests the Department to take the proper steps to protect its rights and interests.

You are instructed to bring the matter to the attention of Colonel Cantú and say that the Department insists that no action shall be taken looking to the forfeiture of the property mentioned and that in view of the fact that taxes have been paid on these properties in Chihuahua the owners are entitled to exemption from further payment of such taxes and to relief from any annoyances in connection therewith.

I am [etc.]

JOHN E. OSBORNE.

File No. 812.512/688.

Mr. Sidney Smith to the Secretary of State.

FORT WORTH, TEXAS, *June 29, 1915.*

DEAR SIR: The American Consolidated Mining and Milling Co., with home office at Waco, Texas, own a number of mining properties

[72] Not printed.

in the State of Oaxaca, Mexico. We are delinquent on taxes for the reason that Oaxaca is now in a state of rebellion, and we consider there is no one in authority to collect taxes.

I have information that our machinery is being stolen, as well as every thing else that can be carried away, and our guards were killed trying to protect our properties. The information I have is that we are receiving no protection whatever from any Mexican Government, and that being the case we do not feel inclined to pay taxes, and very likely be called on again should a new Government be set up, but are ready and willing to place the tax money in escrow.

Would be glad to have you advise us in reference to this, and any suggestion you make will be appreciated.

Yours very truly,

SIDNEY SMITH.

File No. 812.512/681.

The Acting Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 30, 1915.

Report result representations made pursuant to Department's May 28.

Department advised by Consul, Guadalajara, that Governor states that in forcing re-payment taxes already paid Villa faction he is acting according to laws formerly promulgated. In this connection again bring to Carranza's attention generally accepted principle international law that property owners are entitled to pay taxes to persons in de facto authority and state that this Government insists that local laws in conflict with this principle shall not be permitted to operate against interests of American citizens.

OSBORNE.

File No. 812.512/688.

The Acting Secretary of State to Mr. Sidney Smith.

DEPARTMENT OF STATE,
Washington, July 12, 1915.

SIR: The Department has received your communication of June 29, 1915, relative to the payment of the taxes on the mining properties of the American Consolidated Mining and Milling Company, located in the State of Oaxaca, Mexico.

The Department has uniformly advised American citizens owning property in Mexico to endeavor to make payment of taxes thereon, even though in the opinion of such citizens the property was not receiving proper attention from Mexican authorities, and that according to the generally accepted principles of international law, they were entitled to pay taxes to persons in de facto authority.

It is suggested that you would do well to apply to the American Consular Agent at Oaxaca for advice and assistance as to the payment of your taxes and relative to the protection of your property. Com-

munication with the Consular Agent may possibly be had by way of the New Orleans Tropical Radio.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 812.512/723.

Mr. D. J. Haff to the Secretary of State.

[Extract.]

KANSAS CITY, MO., *July 21, 1915.*

MY DEAR SIR: My client, The Cananea Consolidated Copper Company, has referred to me two circular notices received from Lic. Luis Cabrera, Minister of Finance of the Constitutionalist Government presided over by General Venustiano Carranza, with request for advice as to the attention to be paid to these circulars.

The whole object of the circulars, which I inclose herewith, is to lay the foundation for claims of the so-called Constitutionalist Government—in the case of its success in overthrowing the Villista, Zapatista and other revolutionary factions, also in control of territory in various parts of the Mexican Republic—that all taxes that have been paid to any de facto government in any state or district, under compulsion or otherwise, have been thrown away as pure contributions and will have to be paid again to the Constitutionalist Government. This, of course, is in absolute conflict with the principles of international law, or rather with the law as recognized and enforced by all nations in relation to dealings with de facto governments, and it is, of course, in violation of the rule established by our own Government and repeatedly asserted by the Department of State that its citizens will be protected in their dealings with de facto governments in Mexico and that payments of taxes demanded by such governments will be considered payment and satisfaction in defense of subsequent demands for payment of the same taxes. I quote from a letter, signed by the Hon. Robert Lansing, when Counsellor of the Department of State under date of May 18 last, addressed to The Sierra Consolidated Mining Company of Duluth, Minnesota, of which I am also counsel, as follows:

> Under the generally accepted principles of international law, American citizens owning property in Mexico are entitled to pay taxes thereon to persons in de facto authority. It would appear, therefore, that having paid taxes upon your property located in the State of Chihuahua to the authorities exercising control in that State, you should be relieved of further payment of such taxes.

I am inclosing the referred circular in order that you may be advised of the evident deliberate intention of the Constitutionalist Government to exact payment over again of all taxes that have been paid during the past three years or more to de facto governments exercising control of territory in Mexico, other than the Carranza government. If this is enforced, it will be a great hardship and in many cases will result in confiscation of properties on account of the utter inability of Americans to pay again taxes which have already been so increased by all of the revolutionary factions in Mexico that they have become a burden, almost, if not quite, impossible to be borne. * * *

I sincerely hope that the Government of the United States will use its influence effectively to prevent this injustice and will take opportune steps to avoid it before it has ripened into execution.

I have [etc.]

D. J. HAFF.

[Inclosure—Translation.]

The Mexican Consul to the Cananea Consolidated Copper Company.

DOUGLAS, ARIZ., *June 21, 1915.*

The Office of Foreign Relations in their official letter No. 2122 of the 26th ultimo says to me as follows:

Herewith enclose to you Circular No. 8, issued by the Department of Finance on February 16, 1915, relative to the nullity of payment of Federal taxes to pretended authorities foreign to the Constitutionalist Government.

Which I transcribe to you for your knowledge at the same time enclosing a copy of the circular referred to.

I am [etc.]

GARDUÑO, *Consul.*

[Subinclosure.]

[The same as Inclosure 1 with Vice Consul Davis's No. 557 of May 8; see ante.]

File No. 812.512/750.

Consul Guyant to the Secretary of State.

No. 377.] AMERICAN CONSULATE,
Ensenada, July 27, 1915.

SIR: Referring to previous despatches from this Consulate on the subject of mining taxes in Lower California, I have the honor to advise the Department that, seizing the opportunity of Colonel Cantú's presence in Ensenada yesterday, I threshed out the whole matter with him and have succeeded in having the tax of $2 U. S. gold per pertinencia reduced to its former dimensions of 2 pesos, or $1 U. S. gold. As the Department knows, this tax was doubled during the régime of General Huerta, and the law increasing the tax was among those Huerta measures later disavowed by the Convention Government. Although Colonel Cantú gives allegiance to the Convention or Villa Government and enforces its decrees, the tax officials continued to collect the double tax in this district. When it was ascertained by certain mine owners that this tax had been reduced in other parts of Mexico under the control of the Convention Government they made complaints which resulted in their being permitted to make payment to the central Villa Government. In their complaints, however, they unfortunately made charges against the motives and integrity of Colonel Cantú, causing him some embarrassment with his superiors and making it necessary to defend himself against the charge of being a Huertista. This had engendered on his part a very cordial animosity toward the mine owners of this district, particularly as he was entertaining the false impression that they were all leagued together to force him to reduce the tax, or failing this, to encompass his overthrow. After some difficulty,

however, I convinced him that his understanding of the situation was faulty, and secured the issuance of an order to the tax collector to allow mine owners to pay their taxes on the old basis in force before the advent of the revolution, which, I am informed, is in accord with the decrees of the Villa Government. Colonel Cantú has also agreed to desist from any contemplated acts of retaliation against what he conceived were attempts of the mine owners to undermine his standing with his superiors.

I have notified as many of the American owners of mines in this District as I could reach.

I have [etc.]

CLAUDE E. GUYANT.

File No. 812.512/757.

The Acting Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 11, 1915.

Department informed Villa has imposed large forced-loan tax on value cotton which, plus export tax, amounts to over $11 a bale, and has ordered all laguna cotton shipped north.

If report correct make urgent protest against this taxation on ground that it is confiscatory of cotton belonging to Tlahualilo Company and other foreign concerns and individuals. Earnestly endeavor obtain withdrawal this tax.

OSBORNE.

File No. 812.512/758.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 13, 1915.

Tlahualilo Company reports:

Villa decree is worse than reported, 10 per cent of invoice value and 7 per cent of cotton produced must be delivered in bales to cuartel general.

Continue earnest efforts for repeal of this decree.

LANSING.

File No. 812.512/774.

Consul Simpich to the Secretary of State.

No. 324.] AMERICAN CONSULATE,
Nogales, August 20, 1915.

SIR: I have the honor to report that an increasing number of requests is being made of this Consulate by American owners of taxable property in Sonora for advice concerning tax payments. It appears that in certain towns where in normal times tax collectors are stationed, such as Cumpas, Altar, Magdalena, Arizpe, and others, first one revolutionary faction and then another have lately been in

control; there are intervals, too, when avowed bandits hold these places. This obviously interferes with the keeping of regular, permanent tax records, since it is often the practice to kill civil officials found holding office when a town is taken by a rival faction.

As a result of this condition, it is practically impossible, especially at Cumpas, to pay taxes due and now secure such formal receipts as would be adequate later on as proof that proper payment had been made when taxes were due.

Concrete cases in point are those of "The Transvaal Mining Co." (with offices at Cumpas, Sonora, Mexico, and Cincinnati, Ohio), and Mr. M. M. Sherman (who owns a large cattle ranch near Cumpas and who lives at Crawford, Kansas).

Mr. Henry Clay Beauchamp, manager in Mexico for the Transvaal Mining Co., and Mr. M. M. Sherman, have each represented to me that, owing to the fact that the tax office at Cumpas (where in normal times they pay their taxes) is now closed, they propose to pay no taxes until the Cumpas tax office is formally opened either by the agents of an established government in Mexico, or by some responsible and fairly permanent de facto government.

Such is the point on which these and other Americans ask advice: may they, under the conditions recited, refrain from paying taxes for the present, the same to be paid when order is restored—and all without prejudice to their titles.

My opinion is that no future Government in Mexico would seek to attack the titles of these Americans on the ground that taxes were not paid when due, provided such Americans appear promptly and offer payment when government is eventually re-established; but I have not so advised the American tax-payers in Sonora, and definite instructions from the Department on this question are respectfully awaited.

I have [etc.]

FREDERICK SIMPICH.

File No. 812.512/772.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 23, 1915.

Report action taken on cotton tax as affecting Tlahualilo Company and results.

LANSING.

File No. 812.512/777.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, (*Undated; received August 26, 1915*).

Your August 23. It is impossible at this time to get cotton tax removed. From information given me by employees of Tlahualilo

hacienda they are so far not suffering very much except for certain amounts of corn taken for troops. I have protested to General Villa against this seizure and asking for full protection of property. There is little hope of securing a removal of the tax and I believe it will be best for them not to ship until some definite arrangement can be made.

CAROTHERS.

File No. 812.512/774.

The Acting Secretary of State to Consul Simpich.

No. 479.] DEPARTMENT OF STATE,
Washington, August 31, 1915.

SIR: The Department has received your despatch No. 324 of August 20, 1915, reporting that a number of requests is being made of your Consulate by American owners of taxable property in Sonora for advice concerning the tax payments, and you request instructions in the matter.

The Department must leave it to the interested American citizens to determine in each case whether local conditions affecting the payment of taxes are such as to render it advisable to make such payment.

Obviously the Department can give no assurances to American citizens, who on account of such conditions may refrain from paying their taxes, that non-payment will not result in prejudice to their titles. However, in any given case in which the Mexican authorities should attempt to invalidate the title of an American citizen to land on which he had refrained from paying taxes for the reason that local conditions made it apparently inadvisable or impossible to make such payment, the Department would protest against such action of the Mexican authorities, provided it should be made to appear that the American citizen in question was justified in his non-payment.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 812.512/868.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 1, 1915.

You are instructed to take up with General Carranza question of payment mining and other taxes in territory not under control of recognized de facto government, and ask that manner in which Americans may be fully protected against losses in this respect be clearly indicated. Endeavor to obtain immediate reply, as Department receiving inquiries relating thereto.

LANSING.

File No. 812.512/914.

Mr. Delbert J. Haff to the Secretary of State.

[Extract.]

KANSAS CITY, MO., *November 19, 1915.*

MY DEAR SIR: * * * I address this letter to you because of an inquiry addressed to me by various clients whom I represent, and particularly on account of an inquiry received yesterday from the Secretary and Treasurer of The Cananea Consolidated Copper Company in which he asks the question: "What is your opinion as to getting these payments recognized by the Carranza government?"; referring, of course, to the payments of taxes which had been made not only upon mining property but also upon exports of bullion and metals produced by the company, which taxes amount in the aggregate, I may say, to very many thousands of dollars.

The Department of State is aware of the fact that the rates of taxation to all kinds have been, in general, greatly increased by the de facto government of General Carranza during the past year or more by various decrees. This applies particularly to a decree of March 1, 1915, relating to the payment of mining taxes, which the First Chief promulgated and which, in general, increased the taxes upon mining property in the neighborhood of one thousand per cent; that is, on all claims in excess of fifty hectares, and from two to ten times the rate originally prevailing on claims of less than fifty hectares extension. This decree of March 1 was modified by a decree promulgated by the First Chief on the 31st day of August, 1915 which reduced the quota for the first and second terms of the current fiscal year, but provided that the rate established by the decree of March 1, 1915, would apply to all mining properties from and after March 1, 1916. Needless to say that if the taxes that have been paid during the past two years to other de facto authorities are not to be recognized as well paid, it will be a great hardship and will, I may say, in very many of the cases, perhaps result in the loss of the properties because the majority of Americans were obliged to leave the country, abandoning their properties, which in every case entailed great loss and in many cases bankruptcy.

This question is one, therefore, with which the new Constitutionalist Government will have to deal immediately, particularly in the case of mining taxes which are due this current month for the second third of the fiscal year which, if not paid during the current month, are penalized at fifty per cent. It becomes very important, therefore, to know whether the Department of State has any understanding with the Mexican government on this point for the protection of American citizens and, if not, what measures the Department proposes to take in that behalf.

As early as April of this year I addressed a lengthy communication and argument to a member of the government of General Carranza, in which I discussed this question as it then applied and protested against the ruling contained in Circular No. 8 of the 16th of February, 1915, that payments of taxes which had been made to authorities other than those of the First Chief would not be recognized

as valid; and I endeavored to point out the injustice which would result if the Constitutionalist Government should exact payment of taxes from Americans upon properties located in territories which the First Chief did not control and in which he was unable to give the protection needed by all industries in order to operate successfully.

It may be useful for me to quote briefly from the aforesaid communication which I made to the representative of the First Chief in April last. Among other things, I said:

[Quotation from his letter of April 27, 1915, to Lic. J. N. Amador.]

The foregoing, I believe, well states the reasons for the rule of international law referred to by the Honorable Robert Lansing in his letter of May 18. [See ante.]

It seems to me that our Government owes a duty to American citizens in this dilemma even higher than that which ordinarily follows from the relation between a citizen and his government, for two reasons:

First, because in the majority of cases Americans have abandoned Mexico and their properties in pursuance of requests of the Department of State; and

Second, because of the moral and material aid which our Government has given and will find it necessary continually to give to the present de facto Constitutionalist Government of Mexico to insure the success which it deserves and which is necessary for it to enjoy in order to protect the lives and properties of American citizens and other foreigners who are looking to the United States for protection.

While this communication is addressed to you in behalf of the Cananea Consolidated Copper Company and other clients enumerated herein, I would much prefer that it be treated as a general communication and that the Department act in this matter on its own motion and in pursuance of its general policy for the protection of American citizens, in general, doing business in Mexico, in whose interests an early solution of this problem according to the well-recognized principles of international law is pressing and imperative.

Invoking your early attention to this subject and thanking you for a reply at your earliest convenience,

I have [etc.]

DELBERT J. HAFF.

File No. 812.512/923.

The American National Bank to the Secretary of State.

[Telegram.]

SAN DIEGO, *November 29, 1915.*

Taxes are now due on land Lower California. Large property owners wish to know to whom they shall pay, owing to recognition of Carranza and with Governor Cantú still in charge. Situation complicated. Advise by wire.

AMERICAN NATIONAL BANK.

File No. 812.512/923.

The Secretary of State to the American National Bank.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 30, 1915.

If authorities Lower California insist taxes be paid to them, Department believes American citizens should pay under protest, making protest matter of record, if possible, and taking receipts.

De facto government has stated not yet ready to accept responsibility payment taxes in territory not actually controlled by it.

LANSING.

File No. 812.512/914.

The Secretary of State to Mr. Delbert J. Haff.

DEPARTMENT OF STATE,
Washington, November 30, 1915.

SIR: The Department has received your letter of November 19, in regard to the protection of the rights of American citizens who have paid taxes to de facto authorities in Mexico, and in reply informs you that the Department holds that American citizens owning property in Mexico are entitled to pay taxes thereon to persons in de facto authority in the district where such property is situated and that having made such payment they should be discharged from further obligation with respect to the taxes.

It is presumed that the de facto government in Mexico recognizes that the above statement correctly sets forth the rule of international law upon the subject in question.

In this connection it may be stated that prior to the recognition of the present de facto government in Mexico the authorities now constituting such Government were advised of this attitude of the Department and withdrew demands which had previously been made by them in certain instances for the re-payment of taxes already paid to other persons in de facto authority.

I am [etc.]

For the Secretary of State:
ALVEY A. ADEE.

File No. 812.512/944.

Mr. Parker, representing American interests in Mexico, to the Secretary of State.

[Telegram.]

MEXICO CITY, *December 22, 1915.*

197. W. D. Hudson, representing the St. Louis Oaxaca Iron and Steel Company, states that taxes on property of his company have not been paid since December, 1914. These properties embrace 548 pertenencias and are within the jurisdiction of the Government of the State of Oaxaca. If the taxes on these properties are paid to the

Government of the State of Oaxaca an amount of approximately $500 in gold will be necessary. If the taxes are paid to the de facto Government of General Carranza it will require under the present ruling approximately 850 American dollars. Mr. Hudson desires to be informed whether the Department will consider the payment of these taxes to the Government of the State of Oaxaca, which is in de facto control of the properties, as legal payment or whether he must [apparent omission] the taxes to the de facto government of General Carranza. The State Government of Oaxaca, which is at present independent of the Carranza Government, has refused to extend the time for payment of these taxes and the properties are therefore liable to be fee land, subject to new denouncement unless the taxes are paid to that Government within the next two weeks. Will the Department please inform me what I may say to Mr. Hudson?

PARKER.

File No. 812.512/944.

The Secretary of State to Mr. Parker, representing American interests in Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 24, 1915.

193. Your 197, December 22. Inform Hudson that under generally accepted principles international law American citizens owning property in Mexico are entitled to pay taxes thereon to persons in de facto authority and that if Oaxaca authorities insist upon payment taxes to them it would appear such taxes should be paid under protest, making protest matter of record if possible and taking receipts.

LANSING.

FORCED LOANS IMPOSED ON AMERICAN CITIZENS.[82]

File No. 312.115/112.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 5, 1915.

392. Penn-Mex Company, American corporation, reports General Peláez, assuming to represent Villa vicinity Tuxpam, seized company's payroll because of failure to pay demanded contribution 50,000 pesos.

Please request Villa to order withdrawal demand, restoration company's property, adequate protection thereto, with permission to continue operations.

W. J. BRYAN.

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[82] Continued from For. Rel. 1914, pp. 758–784. This subject is intimately connected with the three preceding it.

File No. 312.115/110.

The Secretary of State to Vice Consul Bevan.

No. 744.] DEPARTMENT OF STATE,
Washington, January 6, 1915.

SIR: The Department has received your despatch, No. 1316, dated December 12, 1914, with reference to forced contributions in the Tuxpam oil district.

Under date of December 24, 1914, the Department telegraphed to the American Consul at Vera Cruz, referring to your report and directing him to request Carranza to send a force sufficient to protect the companies in question from this imposition.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.115/113.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, January 8, 1915.

274. Department's 392, January 5. I referred this to Carothers on December 16 and have had no reply. Besides, General Villa is reported to be in Chihuahua.

CARDOSO DE OLIVEIRA.

File No. 312.115/113.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 14, 1915.

Penn-Mex Company, American Corporation, reports General Peláez, assuming to represent Villa vicinity Tuxpam, seized company's payroll because failure to pay demanded contribution 50,000 pesos.

Please request Villa to order withdrawal demand, restoration company's property, adequate protection thereto, with permission continue operations.

BRYAN.

File No. 312.115/115.

Consul Bonney to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
San Luis Potosí, February 16, 1915.

Have secured exemption for the present at least from a forced loan attempted to be levied against Americans by General Tomás Urbina in the aggregate $130,000.

BONNEY.

File No. 312.115/116.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, February 22, 1915.

345. The same as in the case of the clergy, the bankers and merchants of Mexico City including foreigners have been intimated to pay five million pesos. I am informed that there is no disposition on their part to comply with this request; some bankers and merchants having already decided to close, putting their stocks and establishments under seals and delivering the keys to the consuls.

The manager of the Mexico City Banking Company incorporated according to the laws of Mexico called upon me for advice as to what he should do and asking for protection. As he stated that ninety-five per cent of their stock and ninety per cent of their deposits belong to American citizens, I beg you let me know immediately what I shall advise them to do. It is feared that if the money is not paid soon, most extraordinary violence will be employed.

CARDOSO DE OLIVEIRA.

File No. 312.115/117.

BRAZILIAN LEGATION,
Mexico City, February 23, 1915—3 p. m.

351. My 345, February 22, General Obregon has issued a decree today exacting payment within 72 hours equal to ¾ of 1 per cent on the capital of all banks, business houses, stock companies, mortgage holders, and private individuals operating within the federal district including all foreign corporations and private business men. Companies organized abroad but operating within the federal district are also subject to this payment on the basis of the actual capital invested in the Republic. A tax will also be collected in the proportion of ⅓ of the present annual tax on all taxpayers within the district. The time given will expire at 6 p. m. on Friday next and the penalties for non-compliance therewith are confiscation, the appointment of receivers, and imprisonment for 30 days. In view of the fact that some countries by virtue of existing treaties compel Mexico to exempt their nationals from the necessity of effecting such payment the diplomatic corps will have a meeting this afternoon to consider the subject.

I shall be glad if the Department will wire immediate instructions as to what I should advise American citizens to do in the matter. The general tendency on the part of foreigners is not to pay. Please make necessary representations to Carranza and kindly furnish copy to Brazilian Embassy. It is reckoned this tax will aggregate twenty million pesos.

CARDOSO DE OLIVEIRA.

File No. 312.115/118.

BRAZILIAN LEGATION,
Mexico City, February 23, 1915—7 p. m.

356. My 351, February 23, 3 p. m. The representatives of countries whose nationals are exempted by the text of existing treaties as men-

tioned in my previous telegram are sending tonight to Carranza a telegram asking for a reconsideration of the decree in so far as their nationals are concerned. At the meeting it was thought advisable that when you make your representations to Carranza in behalf of American interests you give your support to the above mentioned representations made by them.

CARDOSO DE OLIVEIRA.

File No. 312.115/115.

The Secretary of State to Consul Bonney.

No. 111.] DEPARTMENT OF STATE,
Washington, February 24, 1915.

SIR: The Department has received your telegram of February 16, 1915, reporting that you have procured exemption, for the present at least, from a forced loan attempted to be levied against Americans in Mexico.

The Department approves your action in the matter.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.115/123.

Vice Consul Davis to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Guadalajara, February 24, 1915.

General, Northern Division, called meeting foreigners for the purpose of exacting contributions support of the army. I objected as to Americans, withdrawing from meeting.

DAVIS.

File No. 312.115/148.

Consular Agent Phillips to the Secretary of State.

AMERICAN CONSULAR SERVICE,
Guaymas, February 25, 1915.

SIR: In obedience to a published decree dated in Guaymas on December 9, 1913, issued and signed by the Mexican Federal Provisional Governor, the reigning authority at that time in Guaymas, all merchants and property owners were called upon to loan the State of Sonora an amount equal to 5 per cent of capital and property values upon which such merchants and owners had been paying their legal taxes, it being decreed that failure to make this loan would result in certain penalties. The American citizen merchants and owners also the German, French and other foreign as well as native owners, delivered this forced loan, protesting verbally. The Consular representatives submitted the matter to their governments.

The American representative at that time, Mr. C. D. Taylor, received a wired answer from the State Department which instructed

him to inform the Department if any other foreigners obtained a refund of the loan. It transpired later that the German merchants did, after appealing to their Ambassador in Mexico City, actually receive in cash the entire refund.

I therefore respectfully request that a demand be made on the Mexican Government to refund to the following American merchants and property owners the amounts loaned and for which they each obtained legal receipts which I herewith enclose.

Your [etc.]

W. J. PHILLIPS.

[Inclosures.]

[List of merchants and copies of receipts.]

File No. 312.115/118.

The Secretary of State to Consul Canada.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 25, 1915.

Department informed Obregon has issued decree exacting payment by 6 p. m. Friday next, ¾ of 1 per cent on capital corporations and private individuals in federal district including foreigners, penalties for nonpayment being confiscation, appointment of receivers and imprisonment for 30 days.

Request Carranza order reconsideration this decree as affecting American citizens and other foreigners. Point out injustice of short time limit and unwarrantedly drastic penalties. Request immediate action. Report.

BRYAN.

File No. 312.115/118.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 25, 1915.

482. Your 345, February 22; 351, February 23, 3 p. m.; and 356, February 23, 7 p. m.

Department telegraphing Canada to request Carranza order immediate reconsideration decree as affecting American citizens and to point out injustice of short time limit and unwarrantedly drastic penalties.

Since decree apparently not discriminatory against American citizens and amount of tax seemingly insufficient to be confiscatory, Department does not consider it would be justified in protesting against decree of that character if issued according to law and with reasonable conditions as to compliance.

Please advise American citizens that if called upon to make payment under this decree they should represent to authorities that

matter has been placed before General Carranza with request for reconsideration and ask that pending his decision action be suspended.

BRYAN.

File No. 312.115/122.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, February 25, 1915.

363. Department's 482, February 25, received and Americans notified accordingly. American colony at a meeting held to-day passed the following resolution:

Resolved: that it is the sense of this meeting that citizens of the United States of America are under no obligation to pay this tax or any part of it and that we will not pay it.

The Spanish, French, English, and Germans have adopted a similar course. Tomorrow foreign banks, business houses and some other corporations will close their business places until conditions regarding this tax are changed.

CARDOSO DE OLIVEIRA.

File No. 312.115/127.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

VERA CRUZ, *February 26, 1915.*

Canada has transmitted to me for proper representation Department's February 25 to him. Inasmuch as the clause referring to time limit and penalties appears inconsistent with instruction of previous clause, I have omitted it from my representation.

SILLIMAN.

File No. 312.115/126.

VERA CRUZ, *February 26, 1915.*

The First Chief has annulled the Mexico City special tax decree in so far as it affects Americans and other foreigners.

SILLIMAN.

File No. 312.115/123.

The Secretary of State to Vice Consul Davis.

DEPARTMENT OF STATE,
Washington, March 3, 1915.

SIR: The Department has received your telegram of February 24, 1915, saying that the General, Northern Division, called a meeting of foreigners for the purpose of exacting contributions in the support of the army, and that you made an objection as to Americans, and withdrew from the meeting.

Your action in the matter is approved by the Department.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.115/141.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 5, 1915.

Report whether annulment as to foreigners of special tax decree, Mexico City, includes Mexican corporations in which foreigners own majority stock. If not, file protest against imposition tax behalf Compañía Mexicana de Garantías following grounds:

1. Company has complied with laws and regulations imposed by duly constituted Mexican authorities and should not be discriminated against by imposition special tax.

2. Tax levied by military order instead civil authorities.

3. Annulment should include corporations whose stock owned by foreigners otherwise interests and property rights American citizens will be discriminated against.

Add stock this company apparently almost entirely owned by American citizens.

BRYAN.

File No. 312.115/147a.

The Secretary of State to Vice Consul Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 5, 1915.

Department informed authorities Guadalajara forcing Americans subscribe to forced loans. Support Americans in protests. Carothers instructed take matter up with Villa.

BRYAN.

File No. 312.115/140.

Consul Bonney to the Secretary of State.

No. 149.] AMERICAN CONSULATE,
San Luis Potosí, [undated.]

SIR: I have the honor to attach hereto copy of communication received from General Thomas Urbina, military commandant, and translation thereof, together with translation of my reply thereto. I ask the approval of the Department of the position taken in said reply. This correspondence followed much verbal resistance to demands.

After arresting and threatening many Mexicans and several Spanish subjects, and extorting money from them, a prominent English gentleman, Mr. Claude Stanhope, was taken early in the morning to the headquarters of General Urbina and detained for more than 24 hours, until money was paid.

Immediately following, and on February 16, 1915, the Chief of the Department of Hacienda, José Kasperowitz, cited four Americans to appear at his office, for the purpose of levying an extraordinary tax.

These Americans were A. S. Sharpton, H. L. Barkley (representing Pierce Oil Corporation), Gustave Von der Maden (representing Cía. Metalúrgica Mexicana) and F. S. Ulmer. I immediately visited Mr. Kasperowitz, and induced him to take these names off the list, with the understanding that the parties could voluntarily contribute if they wished, but without prejudice or consequences in any event. The Chief of Police (Jefe de Armas) the next day cited Rafael Aja for the same purpose; upon my intercession he was immediately released from the interview and from the demand. The next day, however, Kasperowitz cited Mr. A. L. Gonthier and Joseph Deutz. Then took place the correspondence attached hereto. The demands of the authorities upon Mr. Gonthier and Mr. Deutz are yet in suspense, and Mr. Deutz is now in this Consulate, fearing an experience similar to that of Mr. Stanhope.

The British Tranvía Company were called and paid 2,000 pesos; the French Brewery paid 2,500 pesos.

The British Vice Consul and American Consul joined in a protest, but the German Consul and French Vice Consul refused to do so, as they have business interests. It was thought the Spanish Vice Consul had best not join in the protest.

On February 19, in an effort to reach General Francisco Villa in the matter, I telephoned to Consular Agent Glenn at Guanajuato, asking that he telegraph an urgent message to George Carothers to secure an immediate order to stop the extortion.

General Urbina is probably known to the Department by reputation. I invite attention to the remarks in his communication regarding recognition of consuls. I do not know whether my telegrams in the matter have been forwarded. It is reported today that General Raul Madero will reach San Luis Potosi soon, and the subject will be immediately taken up with him.

I have [etc.] WILBERT L. BONNEY.

[Inclosure—Translation 1.]

General Urbina to Consul Bonney.

HEADQUARTERS,
San Luis Potosí, February 18, 1915.

As this military headquarters has been obliged to impose an extraordinary tax, proportional to capital, upon all capitalists, manufacturers, merchants, landowners, and in general upon all persons who have property, through the Department of Hacienda, several persons belonging to the American colony have been cited, which colony you represent, and as the majority of them have not responded, and as I have to ask that you indicate to your citizens that it is convenient that they obey the citation, or we shall proceed to punish them with energy.

As an explanation, permit me to say that this tax will be imposed but once, and results from the unavoidable necessity of maintaining the army to give guaranties to the community and procure the pacification of the country, and as the American citizens form part of that community, it is logical that they should contribute equally, and that there should be no exemption for them, in view of the fact that the individuals of other nationalities have obeyed the citation of this military headquarters.

Furthermore, the Corps of the Army of the North is disposed to give guaranties, to make foreigners respected, and to recognize the persons of the various consuls and their acts which have been the subject of treaties, nothwithstanding that we have the right to refuse to do this from the time during which the Governments which the said gentlemen represent have not recognized the legality of the Republic which in this zone I represent.

I affirm [etc.] TOMÁS URBINA.

[Inclosure—Translation 2.]

Consul Bonney to General Urbina.

AMERICAN CONSULATE,
San Luis Potosí, February 19, 1915.

GENERAL: I have the honor to acknowledge receipt of your communication, of the 18th of February, 1915, regarding an extraordinary tax and its relation to American citizens. The subject-matter has received the careful attention which it merits.

I have the honor to suggest to you that if American citizens should be requested to pay their regular lawful taxes for two months in advance it is believed they would be willing to do so, legal receipts being given to them, the receipts being based upon tax bills for the last bimestre. They are friends of Mexico, neutrals, and take no part in politics and pay regular taxes in the community. They have lost heavily by the war. Most of the American colony are absent. On account of the depreciation of the money, those remaining have retained as little as possible of it, only enough to pay current expenses.

For the small amount which could be secured from American citizens you can not afford to incur the criticism and protest of the American Government.

In no country is a tax collected under threat of personal punishment. You cannot afford to confess that the cause of the revolution is in such a condition of poverty that you must ask money from neutral friends.

It is true the citizens of some other countries have contributed. It is also true that many of them have appealed to me to assist them to avoid such action. It is true that your government is not yet recognized by that of my country, but you have scarcely had time and opportunity yet to organize your government, and I hope that your conduct towards our citizens will be such as to justify prompt recognition.

Therefore, in the most friendly manner and with the utmost confidence in your ability and disposition to observe and respect our neutrality, I must officially request you to desist from any suggestion of collecting money from American nationals for military purposes, or alarming or molesting them in any manner.

I wish to make a favorable report of your treatment of our nationals; it is important to you and to General Villa, and to Mexico, that I, and all consuls, shall be able to make a favorable impression regarding your attitude towards foreign interests; but I take the liberty of assuming that it is most important that my Government shall be able to commend your consideration for our people here.

With [etc.]

WILBERT L. BONNEY.

File No. 312.115/142.

The Secretary of State to Vice Consul Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 6, 1915.

Protest against forced loan assessed against Singer Sewing Machine Company. Consult company's agent, R. N. Lane.

BRYAN.

File No. 312.115/143.

Vice Consul Davis to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Guadalajara, March 6, 1915.

Answering your March 5 and 6. Have been protesting against forced loans Americans and other foreigners not having official rep-

resentation here and am yet protesting and advising nonpayment except by force. Tried to give you timely information but all my telegrams were suppressed by authorities here.

DAVIS.

File No. 312.115/145.

Special Agent Carothers to the Secretary of State.

[Telegram.]

AGUASCALIENTES, *March 7, 1915.*

Have held up payment of tax in Guadalajara until some agreement is reached. Authorities claim it is State tax and not forced loan. Will report results later.

CAROTHERS.

File No. 312.115/144.

Vice Consul Davis to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Guadalajara, March 8, 1915.

Local authorities disclaim knowledge suspension collection extraordinary taxes foreigners pending Carothers-Villa interview. Please urge decision and that same be communicated authorities here. Very urgent.

DAVIS.

File No. 312.115/145.

The Secretary of State to Vice Consul Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 9, 1915.

Your March 8. Department telegraphing Carothers as suggested. Has telegram from him dated March 7, stating:

> Have held up payment of tax in Guadalajara until some agreement is reached. Authorities claim it is State tax and not forced loan. Will report results later.

BRYAN.

File No. 312.115/174.

Vice Consul Davis to the Secretary of State.

No. 547.] AMERICAN CONSULATE,
Guadalajara, March 11, 1915.

SIR: I have the honor to say that I am herewith enclosing a printed copy of Governor Medina's decree No. 62,[72] and to call your attention to the strictly American people and companies in the list thereto appended, marked with a cross, and to assure you that nearly all, if

[72] Not printed.

not all, the others in said list are foreign people and companies, at least representing exclusively foreign people and capital. The decree bears date March 1 but was not made public until the afternoon of the day after. I at once tried to inform the Department by telegraph. [Here follows a detailed statement of the eight telegrams presented by him for sending, six of which were suppressed by censorship and two partially transmitted.]

I had another interview with the Governor yesterday after receiving your March 9, and he conceded an armistice until next week, even after having begun to embargo business houses of French citizens. The credit of having these embargoes temporarily raised was due to Mr. Grosvenor, an English barrister here, whom the French have employed as their attorney. No Americans were molested, nor any other foreigners without representation on the part of their governments, for I have included all the latter under American protection.

I have [etc.]

W. B. DAVIS.

File No. 312.115/140.

The Secretary of State to Consul Bonney.

No. 117.] DEPARTMENT OF STATE,
Washington, March 13, 1915.

SIR: The Department has received your undated despatch No. 149, with enclosure, relative to the attempt of General Tomás Urbina to force money contributions from American citizens in San Luis Potosí, and the action taken by you in the matter.

The course pursued by you in this matter is approved by the Department, and in this connection reference is made to recent telegraphic correspondence indicating that the demands against American citizens have been withdrawn.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.115/162.

The Secretary of State to Special Agent Carothers.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, March 13, 1915.

Extraordinary tax imposed State Jalisco apparently includes assessment 30,000 pesos El Favor Mining Company, American corporation. Protest against this assessment and report immediately present status.

BRYAN.

File No. 312.115/150.

DEPARTMENT OF STATE,
Washington, March 13, 1915.

At request German Ambassador support protest German Consul, Guadalajara, against imposition Jalisco State Government upon

German colony, including Guillermo Collignen & Co., extraordinary tax 150,000 pesos.

BRYAN.

File No. 312.115/153.

DEPARTMENT OF STATE,
Washington, March 15, 1915.

At request German Ambassador ask Villa order suspension special tax imposed on German colony Guadalajara default in payment of which Embassy states will result in seizure beginning March 15.

BRYAN.

File No. 312.115/152.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *March 15, 1915.*

Have just received telegram from Diaz Lombardo at Chihuahua repeating message he received from Guadalajara relative Jalisco State tax on foreigners as follows:

Nothing definite has been decided owing to absence of Governor but no energetic measures have been taken against any one. I will keep you informed.

This means that matter is still held in abeyance and I am sure that no action will be taken to enforce payment.

CAROTHERS.

File No. 312.115/156.

Consul General Hanna to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL.
Monterey, March 15, 1915.

General Villa has placed million Mexican dollars fine on Chamber of Commerce. Applies to foreigners in Mexico. I shall oppose forcing Americans and other foreigners paying such fine or forced contributions. Please instruct me as it will help case.

HANNA.

File No. 312.115/156.

The Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 18, 1915.

Your March 15. If tax is confiscatory or discriminatory, or for purpose of aiding Villa faction for prolongation of strife and suffering of native element through increased military activities, enter vigorous protest against payment of the tax by Americans or other foreigners. Intimate to Villa that a tax for carrying on his warfare should be imposed upon and borne by native Mexicans and not by foreigners.

BRYAN.

File No. 312.115/169.

Consul General Hanna to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL,
Monterey, March 21, 1915.

Referring to Department's March 18, it is understood and declared to be the intention of the authorities that contribution from natives and foreigners is not a tax for war purposes but for relieving the destitute condition of the poor and is to be used entirely as a charity fund for buying food for them. Some were assessed heavier than others, they being accused of robbing the poor by charging high prices for the first necessities of life for such things as common food, ordinary clothing and articles necessary for the common people. In consideration of what the American people and the American Red Cross have been doing for the poor and what I am still doing on my my own account for more than one thousand needy families, our people here were not taxed. On a few foreigners a high tax was placed but on the greater part of them the tax was either moderate, light or nothing.

HANNA.

File No. 312.115/156.

The Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 23, 1915.

Your telegram March 15. It is proper to protest in behalf of Americans against a tax which is confiscatory or discriminatory, and you are also instructed to use your good offices for the protection of other foreigners against such taxation, but we are not justified in inquiring into its purpose or the use to be made of it if levied by a competent de facto authority. You will constantly bear in mind the fact that injustice done to religious bodies will arouse deep and lasting prejudice against those responsible for it and therefore use such moral influence as is possible against such acts.

BRYAN.

File No. 312.115/149.

The Secretary of State to Consul Hostetter.

No. 329. DEPARTMENT OF STATE,
Washington, March 24, 1915.

SIR: The Department encloses a copy of a communication [83] from Mr. W. J. Phillips, American Consular Agent at Guaymas, saying [etc.]

You are instructed to furnish the Department with available information concerning the matters referred to in the letter, including, if possible, definite information regarding the precise character of

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[83] Mr. Phillips' despatch of February 25; see ante.

the treaty provisions, if any such existed, through which the German Government obtained refunds for its nationals of the amounts contributed by them to the loan in question.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.115/190.

Vice Consul Davis to the Secretary of State.

No. 551.] AMERICAN CONSULATE,
Guadalajara, March 25, 1915.

SIR: I have the honor to enclose herewith newspaper copy of Decree No. 68 by Military Governor Medina,[72] and to urge you to telegraph me clear instructions as to how you wish me to proceed in the premises.

The persistence of the authorities here in having foreigners contribute to the support of armed forces under one guise or another is growing distressingly annoying. In my opinion, matters are coming or have already arrived at such a pass that ordinary protests will prove of no avail unless the Washington Government puts an effectual stop to such attempted injustices against foreigners here. The facts are that this edict No. 68 has been issued especially with reference to reaching those who have not complied with edict No. 62, and by its terms makes the demands on foreigners more severe, if anything, than edict No. 62. I might say without much risk of misstating that this edict No. 68 is directed especially at foreigners, and is of a confiscatory nature.

I have [etc.]

WILL B. DAVIS.

File No. 312.115/174.

The Secretary of State to Vice Consul Davis.

No. 191.] DEPARTMENT OF STATE,
Washington, March 30, 1915.

SIR: The Department has received your despatch No. 547 of March 11, 1915, transmitting a copy of Governor Medina's decree No. 62, imposing an extraordinary tax on foreigners under the guise of a state tax but in reality for military purposes, and calling attention to the strictly American people and companies in the list appended to your despatch. You say that nearly, if not all, of the others in the list are foreign people and companies, at least representing exclusively foreign people and capital.

Under date of March 15, 1915, a telegram was received from Mr. George C. Carothers, which reads:

> Referring to matter of tax imposed by Jalisco State Government, I succeeded in holding the matter up indefinitely and understand that State authorities are changing plans of taxation imposed so that it will be equal to all on the percentage basis. I have been promised details before decree is issued.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

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[72] Not printed.

File No. 312.115/180.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 2, 1915.

German Embassy reports authorities Guadalajara levying extraordinary taxes discriminatory as against Germans and other foreigners as compared with Mexicans.

Department had understood from Carothers that collection this extraordinary tax had been suspended.

Report facts and if attempt is being made to collect tax discriminatory as against foreigners make urgent protest on this ground.

BRYAN.

File No. 312.115/180.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 2, 1915.

German Embassy reports authorities Guadalajara levying extraordinary taxes discriminatory as against Germans and other foreigners as compared with Mexicans.

Department had understood from you that collection this extraordinary tax Jalisco had been suspended. If, however, attempt is again being made to put it in force, urgently protest to appropriate authorities against discrimination involved and endeavor have tax withdrawn or at least rendered non-discriminatory.

BRYAN.

File No. 312.115/189.

Consul General Hanna to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE GENERAL,
Monterey, April 5, 1915.

Department's March 18, also March 23, on subject of forced contributions, have my attention.

HANNA.

File No. 312.115/194.

Vice Consul Davis to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Guadalajara, April 7, 1915.

Your earliest attention my dispatch 551 closing houses under consular seal threatened with embargoes for nonpayment extraordinary contributions.

DAVIS.

File No. 312.115/194.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 9, 1915.

Davis reports tax situation, Guadalajara, very threatening. Give it your earliest and most urgent attention.

BRYAN.

File No. 312.115/194.

The Secretary of State to Vice Consul Davis.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 12, 1915.

Your April 7. Urgently state to authorities that decree number 68 appears confiscatory in nature especially with respect to greatly increased imposition upon mercantile, industrial and manufacturing establishments, and that inasmuch as it appears such establishments are largely owned by foreigners it would seem that tax should be regarded as discriminatory as against them.

BRYAN.

File No. 312.115/209.

Consul Hostetter to the Secretary of State.

No. 737.] AMERICAN CONSULATE,
Hermosillo, April 30, 1915.

SIR: I have the honor to acknowledge receipt of the Department's instructions No. 329 of March 24, 1915. I took the matter up with a Mr. Calderón de la Barca, Secretary of State for General Téllez at the time the forced loan was made. He told me that the German citizens were the only ones to take the matter up with their representative in Mexico City, besides which he knew that the Huerta Government had a very friendly feeling for Germany and her subjects; hence the order to return them their money. He said, however, that it was more than possible that, had the other representatives taken the matter up, all of them would have had their loans returned to them. He said he knew of no law in force at the time, more than, being foreigners, they should have been exempt.

LOUIS HOSTETTER.

File No. 312.115/211.

Special Agent Silliman to the Secretary of State.

VERA CRUZ, *May 6, 1915.*

SIR: I have the honor to transmit herewith a memorandum handed me today by the representative of the Mexican Petroleum Company, the American company which has large interests at Ebano.

The manager states the present conditions and brings to the Department's attention a question which often becomes necessary to be decided by American interests and individuals; that is, whether foreigners should pay or decline to pay forced contributions to one or the other of the contending factions. If payment is made to one, by compulsion or for expediency, if the other party comes into possession, such payments are held to be unfriendly and improper by the last arrivals.

I have [etc.]

JOHN R. SILLIMAN.

[Inclosure.]

Memorandum on conditions in oil fields.

At present all important oil wells in Mexico are in the hands of forces professing to be commanded by General Villa. All tanks except those at the wells are in the hands of the Carrancistas, who also control all shipping points.

The Villista commanders having control of the country at the wells are in a position to do untold and irreparable damage to the producing wells, most of which cannot be entirely shut in, and some of which must be allowed to run at least 20,000 barrels per day. Any attempt to close in these wells would result in their breaking through the ground and forming craters, like Dos Bocas, wasting the whole underground oil-measures. The Villa officers, through their control of the field, demand the payment of "taxes" or advance payments of taxes in large sums, and on refusal to make payment stop the pumps which are necessary to take the oil away from the wells. The Constitutionalist Government continues to collect the production tax, which legally is nothing today, since the tax law passed by the Madero Government was operative only for one year, to July 1, 1913, and the Huerta law, operative to July 1, 1914, was declared void.

On their taking possession of oil termini and shipping points, the Carrancistas, by decree of July, 1914, raised the 20-centavo tax (which had expired as above stated) to 60 centavos and made this payable in gold, also by decree. This tax has no sanction of any legislative body, exists merely by virtue of a decree of a First Chief, and is enforced only by the ability of said First Chief to stop shipment and otherwise interfere with the business. The companies are naturally paying the tax.

The oil-producing companies have no objection to the payment of proper legal taxes, but are subjected to extortion by reason of the situation above noted, and would appreciate the advice of their governments as to the proper course to pursue. Refusal to pay taxes on either side will surely result in disaster which, though possibly compensated by claims in the far future, will ruin the companies' stockholders, many of whom rely upon their income from the companies for their livelihood, and starve the companies' laborers. Payments to either side arouse resentment of and recriminations by the other side.

A claim the value of which is at best conjectural, and the payment of which is at best long delayed, is not to be considered against a present and immediate catastrophe which could result from a refusal to pay whatever either side demands.

The Government is respectfully requested to say whether, under the circumstances, payments to whatever party demands money should be made, or the demand refused.

VERA CRUZ, MEXICO, *May 6, 1915.*

File No. 312.115/210.

Consul Hostetter to the Secretary of State.

No. 743.] AMERICAN CONSULATE,
Hermosillo, May 7, 1915.

SIR: I have the honor to report in addition to my despatch No. 737, of April 30, 1915, that it seems the gentleman who came to see

me and introduced himself as Mr. Calderón, was sent to me by Mr. Calderón de la Barca. When Mr. Barca found this out, he sent another man to correct some part of the statement made by the other. Regarding the favoring of the Germans, he said, they had received instructions to favor them and to return the money, but that General Téllez did not return any of the money. Otherwise the statement made was correct.

I have [etc.]

LOUIS HOSTETTER.

File No. 312.115/209.

The Secretary of State to Consular Agent Phillips.

DEPARTMENT OF STATE,
Washington, May 19, 1915.

SIR: Referring to your despatch of February 25, 1915, saying [etc.], the Department encloses a copy of a despatch [84] from the Consul at Hermosillo in regard to this matter.

The Department is of the opinion that it would be useless to make representations at the present time to any de facto authorities in Mexico with a view to procuring a refundment to American citizens who contributed to the forced loan in question. It would appear, however, that such American citizens might do well to file with the Department claims against the Mexican Government on account of the amounts so paid by them and if the Department shall receive such claims, prepared according to the instructions contained in the circular entitled "Claims against foreign governments" dated March 5, 1906, it will, in due time, give the claims careful consideration with a view to determining whether diplomatic intervention in support thereof is justifiable.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.115/211.

The Secretary of State to Special Agent Silliman.

DEPARTMENT OF STATE,
Washington, May 20, 1915.

SIR: The Department has received your unnumbered despatch of May 6, 1915, transmitting a memorandum [etc.]

The Department cannot undertake to advise American citizens whether as a practical matter they shall make payment of amounts assessed against them in the guise of taxes, but apparently without warrant of law, by de facto authorities in Mexico.

With respect to this situation the Department can only say that if the interested American citizens shall conceive that they are being unlawfully treated and shall bring the matter to the attention of the Department, the appropriate representatives of the United States

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[84] No. 737 of April 30.

Government will be directed to protest against any apparently illegal exactions which are made and request their withdrawal.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 312.115/214.

Consul Bonney to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
San Luis Potosí, June 23, 1915.

Military commandant here, Colonel Borboa, threatening foreigners with forced loan and threatening to take possession American and foreign mines here within five days. Will you please address highest authority to restrain this officer. Railroad service south and east has been suspended.

BONNEY.

File No. 312.115/214.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 24, 1915.

Department informed Colonel Borboa, Villista commander San Luis Potosí, threatening confiscation foreign mining property and imposition forced loan upon foreigners, within five days.

In calling this particular case to General Villa's immediate attention request him to issue general instructions to his commanders directing them to respect foreign rights and property. Such an order from General Villa would obviate repeated representations, save trouble and enable foreigners to enjoy with greater security the guarantees which they are entitled to and should have.

ROBERT LANSING.

File No. 312.115/214.

The Secretary of State to Consul Bonney.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 25, 1915.

Your June 23. Department instructed Carothers immediately to call subject-matter of your telegram to General Villa's attention and to request him to issue general instructions to his commanders directing them to respect foreign rights and property.

Compañía Metalúrgica's agent advises New York manager that unless company works the San Pedro mines within five days the military authorities will work the same for account of the Government. You should continue making strong representations against such imposition, such demands manifestly impossible to comply with under present conditions.

LANSING.

File No. 312.115/215.

Consul Bonney to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
San Luis Potosí, June 28, 1915.

Your June 25 was effective. Offending officer has been recalled to Monterey. District quiet. Military and repair train has gone north to open railway to Saltillo.

BONNEY.

File No. 312.115/215.

The Acting Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 29, 1915.

Express to General Villa Department's appreciation of prompt action in removing military commandant, San Luis Potosí, who threatened forced loan and confiscation.

OSBORNE.

File No. 312.115/221.

Vice Consul Bevan to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Tampico, September 2, 1915.

General Peláez, commanding Villa forces in Vera Cruz, has renewed his demands for a forced loan of fifty thousand pesos from the Penn Mex Fuel Company and has given the company seventy-two hours to make payment. On company refusal to comply he closed down Alamo pump station September 1 and refused to allow any more petroleum to be moved until payment was made. After having secured 5,600 pesos from the company's paymaster, forces retired to Peláez's camp at Potrero. Company then resumed work but state may be shut down at any time. Sidwell, general manager, requests that Department of State advise Penn Mex at Pittsburg, Pennsylvania. Suggests that representations should be made to General Carranza requesting that an adequate force be sent to Tuxpam to protect foreign interests.

BEVAN.

File No. 312.115/221.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 9, 1915.

Bevan, Tampico, telegraphs that General Peláez, commanding Villa forces Vera Cruz, has renewed demand 50,000 pesos from Penn

Mex Fuel Company, American corporation, and upon refusal comply Peláez shut down company's plant.

Request Villa instruct General Peláez withdraw demand and cease interfering company affairs.

LANSING.

File No. 312.115/230.

Consul Canada to the Secretary of State.

No. 1347.] AMERICAN CONSULATE,
Vera Cruz, November 19, 1915.

SIR: I have the honor to transmit herewith enclosed a clipping from the daily newspaper El Pueblo of Mexico City, November 17, 1915, which consists of a notice quoting a decree of November 7, 1915, issued by Mr. Venustiano Carranza, First Chief [etc.], stating that the Government will acquire the cotton crop in the Laguna district this year; and a translation of the same.

I have [etc.],

WM. W. CANADA.

[Inclosure—Translation.]

Decree confiscating the Lagunera cotton crop.

I, Venustiano Carranza, First Chief [etc.], considering that in order to prevent the cotton textile industry of the country from becoming paralyzed it is indispensable that the Government acquire the harvest of this fibre gathered in in the region of La Laguna and place the same within the reach of textile manufacturers, inasmuch as they are confronted by serious difficulties in acquiring cotton directly, and because the importation of foreign cotton would bring grave economic evils; and considering that the urgent desire to prevent the paralysis of the cotton industry is in accord with the Constitutionalist Revolution and of the Government emanating therefrom in their purpose to favor the working classes, among whom textile workers occupy an important place; and considering that such workers would be left without a means of livelihood except for the measure herein contemplated—have seen fit to decree the following:

Article 1. The Government will acquire, by agreement with the proprietors, all the cotton proceeding from this year's crop in the region of La Laguna.

Article 2. In case no agreement is arrived at with the proprietors, the fibre referred to in the foregiong article is declared subject to expropriation for the public good.

Article 3. The expropriation will be affected by the Government according to the principles set forth in the Law of September 3, 1893, so far as they are applicable.

Article 4. The cotton acquired in pursuance of this decree will be distributed to the textile mills in the proper proportion, with the view that the mills may not cease operations; and at equitable prices, to be fixed by the Department of the Treasury.

Article 5. The Military Instructional Judges, acting as District Judges with jurisdiction in the cotton-producing sections, are the proper authorities to preside over such expropriation proceedings as it may be necessary to establish.

Article 6. All sale contracts or agreements which interfere with the rights of the proprietors over the cotton herein referred to, and which are made subsequent to the promulgation of this decree, will be null and void.

Done in Sabinas, Coahuila, November 7, 1915.

V. CARRANZA.

File No. 312.115/229.

The Acting Secretary of State to Mr. Parker, representing American interests.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 27, 1915.

145. Department informed de facto Government by decree published November 17 will take over whole this year's cotton crop, and if impossible to arrive at agreement with owners as to terms, will expropriate cotton.

Behalf American interests Tlahualilo Company, protest against this measure, stating that it appears inconsistent with promises of de facto Government to protect private property.

POLK.

TREATMENT OF RELIGIOUS ORDERS IN MEXICO. ATTITUDE OF THE UNITED STATES.[85]

File No. 312.12/20.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, June 26, 1914.

72. The Archbishops of Guadalajara and Monterey called upon me today and in their names and of all other bishops from various points in the Republic who have sought refuge in this city have asked me for protection and asylum in case the revolutionists, who have subjected them to violent persecution and extortion in all places they have taken, should enter this capital. They have also asked me urgently to request the American Government to intercede in their behalf so that the revolutionists may afford them full protection in their persons and property.

CARDOSO DE OLIVEIRA.

File No. 312.12/20.

The Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 30, 1914.

Brazilian Minister, Mexico City, reports that Archbishops of Guadalajara and Monterey fear for safety of persons and properties themselves and other Bishops in case Constitutionalists take Mexico City. Say to Carranza that it is hoped he will order full

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[85] In this connection see For. Rel. 1914, Mexico, Political Affairs, the instructions of July 23, 5 p. m.; September 22, 9 p. m.; and December 13, pp. 568–569, 603 and 628–629, respectively; also Protection of French Citizens and Interests, pp. 867–882. See also, in this volume, Protection of French Interests, and Protection of Spanish Interests, November 16 and December 6.

protection to be given persons and properties of all persons connected with religious organizations.

BRYAN.

File No. 312.12/20.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 30, 1914.

142. Your 72, June 26. Department will be pleased to have you furnish shelter to Bishops if in your opinion such action is necessary to preserve their lives. It has also been pleased to instruct American Consul General, Monterey, to request Constitutionalist Chief to afford full protection to persons and properties of Bishops.

BRYAN.

File No. 312.12/24.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, July 8, 1914.

79. The Archbishop of Guadalajara called upon me once more today to thank you warmly for your 142, June 30, and to ask me earnestly to request your benevolent consideration in view of the fact that after the fall of Zacatecas three Catholic priests were executed and several others imprisoned by the revolutionists even after the ransom demanded, amounting to 100,000 pesos, was paid. It is [omission] that some other priests have been taken out at night and executed. It is feared that similar violence may occur here should the city fall into the hands of the revolutionists unless a strong warning to the contrary should be given by the American Government.

CARDOSO DE OLIVEIRA.

File No. 312.12/24.

The Acting Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 11, 1914.

Reference Department's telegram June 30. Brazilian Minister, Mexico City, reports receipt of information from Archbishop of Guadalajara that after capture of Zacatecas several Catholic priests were executed and others imprisoned for ransom, and that similar violence is feared in case of capture Mexico City.

Earnestly represent to Carranza the strong advisability of giving full protection to all persons connected with religious organizations

OSBORNE.

File No. 312.12/24.

The Acting Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 11, 1914.

156. Your 79, July 8. Department has been pleased to instruct American Consul General, Monterey, again urgently to bring to attention of Constitutionalist Chief advisability of extending full protecton to persons connected with religious organizations.

JOHN E. OSBORNE.

File No. 812.404/8.

Cardinal Gibbons to the President.

CARDINAL'S RESIDENCE,
Baltimore, August 18, 1914.

MY DEAR MR. PRESIDENT: Since my conversation sometime ago with Senator Lee in regard to the situation in Mexico, I have been doing my utmost towards calming the feelings of the Catholics in Mexico. However, I regret to say, I am almost daily in receipt of letters complaining of the bitter persecution of the Church by the Constitutionalists. I am sending you herewith enclosed a Latin letter with its English translation[72] which I have received yesterday from the Bishop of Zacatecas, at present residing at Villa Brackenridge in San Antonio, Texas. From it you will see that neither he nor any of his priests can return to their city from which they have been exiled. I feel quite sure that just one word from you to the Constitutionalist leaders would have a great effect and would relieve the sad condition of affairs.

I would be exceedingly grateful to you if you would let me know if something could not be done in this matter.

Thanking you [etc.]

J. CARD. GIBBONS,
Archbishop of Baltimore.

File No. 812.404/134.

The President to Cardinal Gibbons.

THE WHITE HOUSE,
August 21, 1914.

MY DEAR CARDINAL GIBBONS: I have your letter of August eighteenth. Alas, I am sorry to say that it is not true that "one word from me to the Constitutionalist leaders would have a great effect and would relieve the sad condition of affairs" in Mexico with regard to the treatment of priests, for I have spoken that word again and again.

My influence will continue to be exerted in that direction and, I hope, with increasing effect. For the present, apparently, we shall

[72] Not printed.

have to await the subsidence of the passions which have been generated by the unhappy condition of the country.

Cordially and sincerely yours,

WOODROW WILSON.

File No. 812.404/22.

The Reverend R. H. Tierney to the Secretary of State.

NEW YORK, *October 17, 1914.*

HONORABLE AND DEAR SIR: Some three weeks [ago] you requested me to submit a statement outlining Mexican conditions as attested by reputable people of different creeds, interested in the cause of morality and religion.

I have delayed this work until the present time in order to give the various documents in my possession careful thought. After long consideration I have chosen the documents herewith submitted as the calmest and farthest removed from bias and passion of any kind.

Document A makes clear the whole contention of the Catholic Church in this unfortunate affair. In this regard I wish to impress upon you once again that the relentless war waged on Catholicism is not persecution of Catholicism but a war on religion as such. This, you yourself gathered from Caballero's official statements which you read in my presence. Were the Presbyterian or Methodist Church the dominant church of Mexico neither would fare any better. An assault is made on God.

Document B is the statement of a man who was a victim of the Guadalajara persecution. Bad as it is, it is not as harrowing as a dozen other accounts which are in my possession. These statements charge the revolutionists with the following crimes: 1. Confiscation of property. 2. Murder of priests. 3. Torture of priests. 4. Violation of Sisters. 5. Desecration of churches. 6. The use of the altars and sacred vessels for unspeakably base purposes. 7. Conversion of a convent into a brothel. 8. Attempts to discredit priests by dressing a soldier in the Mass vestments and photographing him standing by the side of a nude woman. 9. The garbing of a prostitute in a Sister's attire; this prostitute was sent into the streets to preach against Catholicism. 10. The injection of unworthy priests into ecclesiastical offices of dignity and responsibility. 11. The placing of a nude woman on the altar of a chapel attached to the Jesuit college at Saltillo (also of Puebla). 12. The continual interference with liberty of worship, such as the forbidding of confessions, the sacraments of baptism and matrimony, the prohibition of Mass save on Sunday and then only by a priest appointed by the Governor for that purpose. The extent to which religious liberty is denied varies in different places; vide the "Decree of Toluca" issued by Murguia, the decrees issued by Villareal and Aguilar respectively. 13. The official denial of God's existence, on the part of Caballero.

These and other outrages are authentic.

What, now, do Catholics ask? First, a sincere attempt to rescue the Sisters and priests marooned at Vera Cruz; the number in distress can be furnished at intervals by the American Consul, who is in constant touch with the situation; I cannot give accurate figures because the number fluctuates; some weeks there are more, some

weeks less; this results from the departure of groups of refugees and the arrival of others. Second, recognition of no government which does not grant real freedom of worship. Lastly, I may remark that Mexicans are in despair; a prominent gentleman of Mexico City writes me under date of October 7: "Since the sending of those documents things have gone from bad to worse; we are in the last throes of anarchy and ruin." The only hope for Mexico seems to lie in a speedy, untrammelled election free from all restraint. This will hardly take place while the present element is dominant.

I am [etc.]

R. H. TIERNEY,
Chairman of the Committee of the Federation of Catholic Societies.

[Inclosure 1—Summary.]

Document A is entitled "The Catholic Church and the Mexican Revolution" and is unsigned; it states that—

The clergy have held aloof from politics and have preached obedience to constituted authority.

The revolutionists are enemies of all religions and especially the Catholic religion; unable to destroy Catholicism by legitimate means, they resort to persecution; the same is true of the Diaz régime; examples thereof.

The social as well as religious value of the Church is evidenced by its persistent maintenance of schools, hospitals, asylums and other charitable and constructive works, kept up in spite of continuous obstruction by the civil authorities.

It is untrue that the National Catholic Party is dominated by the clergy, who have confined themselves to exhortations addressed to the whole people, calling them to peace and union. It is this attitude of the clergy that causes the hatred of the carrancista and other revolutionary factions, since they do not want peace and union.

Extortions of large sums of money from the clergy have been attempted under the pretext that they have accumulated great riches, which is untrue; figures showing the income of the Church and its various charitable and educational institutions, an income far from sufficient to maintain these institutions as effectively as the Church keeps striving for.

Profanations of churches, the sacred vessels, and consecrated particles are so many that they would take too long to state in detail; a brief outline of them.

"From the statement of facts and the considerations which have been offered, any unprejudiced person can see for himself that the following conclusions are true. Neither the bishops nor the priests have had any part in the government of Mexico, nor have they attempted to take any part. They have not formed, directed nor influenced any party. They have placed no obstacles in the way of the administration or operation of the government. They have abided by the laws in force even though these are sectarian and they have not tried by any violent means to change them. They have advised the Catholic people to respect and obey the established government and the existing laws. They have not gone beyond the sphere of their rights and have not usurped those of the civil power. Their teaching and preaching have been confined to impressing upon Catholics the fundamental principles of religion and the application of these principles to the actions of life. The Mexican clergy lack the material means of opposing any governmental action and even of meeting the necessities of the Church.

"The Catholic clergy and laity of Mexico understand and recognize that social reform is needed which will better the condition of the Indian population and of the middle class. But it also knows that this reform will not be fruitful or lasting if it attempts to establish itself on the ruins of the ancient social edifice or if it is not founded on the only basis which will sustain society, namely, the family, property rights, the country, and religion."

Such is the platform of the Church authorities. What reason is there, then, for the persecution of religion, the clergy, and Catholics?

[Inclosure 2—Description.]

Document B is entitled "Religious persecution in Guadalajara; The expulsion by the Constitutionalists army of foreign priests and professors from Guadalajara, Mexico: An appeal to the American people." It is not signed: the subject outlined in the title is related in detail, with many examples of the cruelty, obscenity and sacrilege attending the entry of the troops on and after July 7, 1914. The final paragraph is as follows:

"We all protest against the unjust spoliation of our property, for which we will demand indemnity when a government shall be established. We protest against the barbarity with which they have expelled us. We protest against the savage manner in which they have driven us out of the country for which we have labored for so many years. We protest against the according to us of such treatment as would not be accorded the worst criminals. We protest against the indignity offered our flags and our consulates, against the illegality of the verbal decree by which we were expelled and against the execution of that decree, which was even more illegal and cruel. We trust that the American people, who are lovers of justice and civilization, will realize that they are in honor bound to defend us in the name of science and humanity, to demand satisfaction for the flagrant violation of the recommendations which were made by them to Carranza and his followers. If this be not done, then the declaration of the Carrancistas will be confirmed: that, whatever they do is done with the knowledge and approbation of the Washington Government."

File No. 812.404/22.

The Secretary of State to the Reverend R. H. Tierney.

DEPARTMENT OF STATE,
Washington, November 27, 1914.

SIR: The Department acknowledges the receipt of your letter of October 17, 1914, with which you enclose a statement outlining conditions in Mexico. You ask this Government to rescue the priests and nuns who took refuge at Vera Cruz, and also that this Government withhold its recognition of any government in Mexico which does not grant real freedom of worship.

In reply you are informed that the Department has carefully considered your letter and its enclosures.

With reference to the priests and nuns who had taken refuge at Vera Cruz, the Department would advise you that orders have been issued by the Secretary of War to General Funston to convey all priests and nuns who desire to leave, to the United States, and it is the understanding of the Department that this order has been complied with.

Regarding your request that this Government withhold its recognition of any government in Mexico that does not grant real freedom of worship, the Department informs you that it will defer final decision as to whether or not to accord recognition to a government in Mexico until the time shall have arrived for making such a decision. When that time arrives, the Department assures you that the question of religious freedom in Mexico will receive due consideration.

The Department has shown your letter with accompanying enclosures to the President, and it has received from him a written reply in which he says:

I am distressed that our Catholic fellow-countrymen do not more fully realize how frequent and serious our attempts have been to act in the interest of their people in Mexico.

I am [etc.]

W. J. BRYAN.

File No. 812.404/31a.

The Secretary of State to the American Consuls in Mexico.

[Identic telegram.]

DEPARTMENT OF STATE,
Washington, January 14, 1915.

In view of published reports of outrages upon nuns and priests and desecrations of church property in Mexico, you are instructed to make report of any such occurrences in your district since January 1, 1914, giving names, nationalities and dates, and whether based on personal knowledge or reliable information.

BRYAN.

File No. 812.404/35.

Consul Hostetter to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Hermosillo, January 15, 1915.

Abusing of nuns and priests. Absolutely nothing of said character ever has happened in this entire district either during nineteen [omission] or before. Neither were ever outraged or property abused. One only expatriated, accused of political campaigning.

HOSTETTER.

File No. 812.404/34.

Consul Guyant to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Ensenada, January 16, 1915.

Department's January 14. No cases of this kind have occurred in this district.

GUYANT.

File No. 812.404/36.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, January 18, 1915.

Answering Department's January 14. No outrages or persecutions as described therein have occurred in this district since January 1, 1914.

SIMPICH.

File No. 812.404/47.

Vice Consul Bevan to the Secretary of State.

[Extract.]

No. 1346.] AMERICAN CONSULATE,
Tampico, January 18, 1915.

SIR. I have the honor to acknowledge receipt of the Department's telegraphic instruction of January 14 [etc.]

There were no outrages committed either against the priests or nuns in this consular district during the year 1914. * * *

I have [etc.]

THOS. H. BEVAN.

File No. 812.404/49.

Vice Consul Stadden to the Secretary of State.

[Extract.]

No. 76.] AMERICAN CONSULATE,
Manzanillo, January 18, 1915.

SIR: I have the honor to report, in compliance with your telegraphic instructions dated January 14 [etc.] as follows:

The Catholic priest Santillana gives the following information.

When the Constitutionalist forces entered Guadalajara, the Saleciano priests, in charge of the School of Arts, and all other foreign priests who were in charge of charitable institutions, hospitals and college, up to the number of 47, and all the nuns who were in charge of the female college, were expelled from the country, leaving via Manzanillo on the British steamer *City of Mexico*. The priests and nuns were abused with vile language as they were marched to the trains. All Mexican priests who remained in Guadalajara including the Bishop from Tehuantepec who happened to be in Guadalajara at that time, were placed in jail, and they paid 100,000 pesos for their liberty. All churches were closed by order of the military authorities; the cathedral, residence of the Bishop, and the female college, were turned into barracks for the troops.

The priest Cano, secretary of the Bishop of Guadalajara, issued a circular addressed to all priests recommending that they be prudent and take no part in politics. Cano was arrested and placed incomunicado, since when nothing is known of him.

In San Luis Potosí the priests were persecuted so that they all left there; part of them arrived here in disguise and related their experiences to the priests here.

About ten days ago troops went to El Gruello, Jalisco, to arrest priest Simon Cobian; he escaped but in retaliation his house and its contents were burned by the troops; the reason given for this action was that the priest did not notify the Carranza forces that a Villa force had been in town.

About the same date, in La Huerta, Jalisco, the priest Santana had his clothes torn off on the street by the secretary of the local court; the people of the town came to the rescue and got him away; he has not been heard from since.

In Tonaya, Jalisco, the priest Adolfo Moto, from Platancillo, was arrested; also the local priest Cisto Mithchell; ropes were tied around their necks, they were then led through the streets and offered for sale and told they would be shot in an hour; they were made to dance jigs. The name of the Carranza officer is Tenorio. The people of the place finally persuaded the officer to release the priests.

On January 3 the priests Juan Quintero, Antonio Gómez, Antonio Salazar and Hilario Morales were arrested in Sayula and brought to Manzanillo in company with the priest Sixto Acosta of Chihuatlan; they have been prisoners here for about ten days and were informed that they would be sent out of the country on the first steamer leaving here.

On the 16th instant the Captain in charge of the troops here called on me to inquire when the steamer *Peru* would leave, and if it was necessary for the priests to have money when they landed in San Francisco; I translated the immigration law; the Captain then remarked that he thought it was best to shoot the priests instead of paying out money for their passages. This afternoon two of the priests called on me and said that they had just been informed by

the Captain that the military authorities would not pay out a cent to get them out of the country and that if they did not leave on the *Peru* they would be shot as soon as the *Peru* leaves the port. The people of the town are now raising the money to pay the fares of the five priests and they will leave for San Francisco tomorrow. The captain of the *Peru*, instead of leaving tonight, will remain until tomorrow so as to allow time for the priests to get away from the death that threatens them by remaining here.

The people who are now in charge of this district are as bloodthirsty as Apache Indians and their whole aim seems to be to kill and get money. On the steamer *Peru* there are being shipped 45,000 pounds of cow hides by General Dieguez to Dr. Felipe Valencia, the person who took the several million pesos to San Francisco last month. These hides are from the cattle on the properties that have been confiscated by General Dieguez.

I have [etc.]

RICHARD M. STADDEN.

File No. 812.404/43.

Vice Consul Blocker to the Secretary of State.

[Extract.]

No. 1009.] AMERICAN CONSULATE,
Piedras Negras, January 19, 1915.

SIR: I have the honor to comply with the Department's telegraphic instruction of January 14. * * * The church of St. Guadalupe was entered by order of General Murguia and the records of membership, marriage certificates, and other archives of importance were seized and carried to the outskirts of the city where a bonfire was made of them. The priests were permitted to cross to Eagle Pass without being molested. The church has since been closed and has received no further molestation.

The second offense was the arrest of three French teachers in the College of Our Lady of Guadalupe located at Durango, who passed through Piedras Negras en route to San Antonio. They were held up and searched; 1,900 pesos were found on their persons, which was seized by the authorities, who held that an order from General Carranza had been received instructing them to confiscate all the belongings of the priests of the Catholic Church and to place such money as confiscated to the credit of the Constitutionalist Government. * * * I immediately called on Colonel Castro, then commandant of the city, and requested that the money be returned, advising him that [the teachers] were not priests and that such instructions could not be applicable to teachers; that should he continue to hold the money, this Consulate would look upon it as a non-Christian act and of hostility to foreigners. * * * Colonel Castro returned the money to them and they are now safe in San Antonio.

These two instances are the only occurrences where outrages were committed upon the Catholic Church in this consular district that this Consulate has any information of, and I have made inquiries in all the towns of the district.

I have [etc.]

WILLIAM P. BLOCKER.

File No. 812.404/44.

Consul Schmutz to the Secretary of State.

[Extract.]

AMERICAN CONSULATE,
Aguascalientes, January 20, 1915.

SIR: * * * After the arrival of the Constitutionalist troops in Aguascalientes, when Alberto Fuentes was acting Governor, the Catholic churches were ordered to suspend all religious services and those of the Catholic clergy who had remained here were ordered to leave the locality. I have not been able to obtain knowledge of any official decree or legislation ordering their departure, but understand that the officials of the military government notified them in person that they must leave the State. One church, the San Antonio church, was absolutely confiscated and a large sign was placed over the door: "Legislative Palace," it being the intention of Governor Fuentes to use it as a state house. The private property of the Archbishop Ignacio Valdespina and that of the Spanish clergy and sisters was confiscated by these same officials and up to the present moment it has not been returned.

The local Spanish Vice Consul has an inventory of personal property amounting to about $8,000 U. S. c'y representing the value of the property looted by the Constitutionalist troops in July and August, 1914; [and] another claim amounting to about $3,800 for property confiscated from Sister Carmen López Ortiz. I have no figures in regard to the property confiscated from the native Archbishop and clergy, but believe it is much more than the amounts above noted.

Since the change in the State administration in November, 1914, the new military commander and governor, Victor Elizondo, has been more liberal. The Catholic churches are again open, except the church of San Antonio, which is still in the hands of the government authorities, and the church of La Merced, which belongs to the Spanish clergy.

Many of the priests and sisters have returned, but those of Spanish nationality, while now they are not molested, are not permitted to follow their religious vocations.

I regret that I am unable to obtain reliable information concerning the status of the Catholic clergy and religious orders in the State of Zacatecas but believe it is very similar to that existing in this State.

I have [etc.]

GASTON SCHMUTZ.

File No. 812.404/45.

Consul Edwards to the Secretary of State.

[Extract.]

No. 249.] AMERICAN CONSULATE,
Ciudad Juarez, January 23, 1915.

SIR: I have the honor in compliance with Department's instructions (telegram January 14) with reference [etc.] to report as fol-

lows: * * * It is my observation that the church edifices in this city, which had suffered considerable injury during the various combats of the past four years, have been completely renovated and are now greatly improved in appearance. The said churches are constantly open to the public and at no time has this Consul learned of any disrespect by the authorities for the Church or priests.

I have [etc.]

THOS. D. EDWARDS.

File No. 812.404/52.

Consul Letcher to the Secretary of State.

[Extract.]

No. 575.] AMERICAN CONSULATE,
Chihuahua, January 26, 1915.

SIR: Referring to Department's January 14, 1915, I have the honor to report that I have made a careful investigation of all cases of indignities and molestations alleged to have been visited upon nuns, priests and other persons because of their avowal of the Catholic faith since the occupation of this city by the Constitutionalist military force under the command of General Villa on December 8, 1913, with the result that the following authentic concrete cases have been found, all of which in respect to the main facts can be substantiated by witnesses and proven by the testimony of persons of the highest credibility.

1. On December 11, 1913, written orders were sent to every priest in the city demanding the immediate payment by each priest of 1,000 pesos. Since this sum could not be got together on such short notice, the priests appeared before Villa to beg a reduction in the sum demanded of them; upon so appearing they were treated in the most insulting and abusive manner; one of their number, Father José Guadalupe Arriola, being borne to the penitentiary, probably for the purpose of intimidating the others. After a short detention he was set free, his persecutors apparently convinced that they could not secure the sum demanded. All the other priests, fearing imprisonment or even worse, finally after much effort raised the 1,000 pesos; from Father José Morales, a Paulist monk, rector of the seminary and Vicar General, they demanded 5,000 pesos, but when he could not raise more than 3,000 and carried the sum to the military chief he was treated with many indignities.

2. [Description of the expulsion of six Paulist monks on December 8, 1913, by Villa, and the closing of their seminary.]

3. [Expulsion on December 8, 1913, of nine nuns, devoted to nursing and other works of charity, and confiscation of their house which at the date of this dispatch was being used as a public brothel.]

4. [Flight of nine women teachers in the Sacred Heart school induced by a statement by the municipal president to the Mother Superior that all nuns and priests were to be driven out of the country. The school "was one of the best in the city and was attended by the girls of the leading families. The school has not been re-

opened and the building was occupied soon after the flight of the teachers by soldiers and is now being used as a barracks where prostitutes are allowed to live openly with the soldiers and officers."]

5. It is stated that the bishop of this diocese is not allowed to return to resume his work, and that thereby has been caused the complete disorganization of all religious endeavor in the State.

6. Father Salvador Gambino * * * conducted an orphan asylum at Santa Cruz de Rosales, where fifty orphans were provided for. He had acquired the property through his own efforts and had greatly improved the land * * * In order to make these improvements Father Gambino * * * incurred heavy debts subject to his personal liquidation. He was everywhere regarded as a pious and most useful man. [Account of the confiscation of this property and expulsion of Father Gambino.] He fled the city on the 26th January, 1914, without having been able to make any appropriate provision for the disposition of the orphans or nuns under his care.

7. [Confiscation of the episcopal palace, the house of the Workingwoman's Friend, the seminary, etc.] Subsequently, however, it was arranged that the Church should be allowed to have the use of these several properties free of rent.

8. [Confiscation of a valuable property that had been willed to the Church, together with its movable contents.]

9. [Expulsion of three priests and four monks conducting a mission among the Indians.]

10. [Confiscation of two chapels, services being permitted.]

11. [Expulsion of three Spanish priests.]

12. [Occupation of a church as a barracks.]

13. As a result of molestations, indignities, or the fear of abuses of this character, priests have fled from the following parishes in this State, many of which still remain without religious guidance of any kind: Rosales, Saucillo, Villa Lopez, Rio Florido, Satevó, San Francisco de Borja, San Buena Ventura, Batopilas, San Pablo Balleza, and Casas Grandes.

14. [Confiscation of the house of Father Joaquin Holguin, Vicar General of the diocese.]

As supplemental to the foregoing and based only on rumor, which, however, because of its persistence seems to merit some consideration, the following is submitted: [That Rodolfo Fierro, Villa's inseparable companion, notorious as a ruthless murderer, had seized a handsome young nun from a convent at Zacatecas, sent her by special train to Chihuahua, and is holding her in the residence of Rodolfo Cruz, occupied by Fierro.] There is no possible means of substantiating the story, but similar acts affecting persons other than nuns have recently occurred, according to what should be regarded as fair evidence, and under present conditions the story does not appear particularly remarkable or extraordinary.

All the other facts set forth herein were secured from the highest possible sources of authority and can be substantiated by sworn affidavits if necessary.

I have [etc.]

MARION LETCHER.

File No. 812.404/51.

Consul Johnson to the Secretary of State.

AMERICAN CONSULATE,
Matamoros, January 28, 1915.

SIR: In replying to instructions of the 14th instant in regard to destruction of Church property and the maltreatment of nuns in my district since January 1, 1914, I have to state that since that date, so far as I know and so far as I have been able to ascertain after diligent inquiry, there has been no destruction of Church property or any abuse of nuns in my district. Prior to said date, in 1913, while General Lucio Blanco was commander at this place, there were some things taken out of the church here and the priests were told that the atmosphere at Brownsville, Texas, would be more beneficial to their health than here, and they went over there and have not returned. Shortly after they left there were a number of things taken out of the church and since then the church has been closed. The nuns were permitted to remove all of their furniture to Brownsville and the building they occupied has been used for a hospital. I am reliably informed that the churches in Reynosa, Camargo, Mier, San Fernando and other towns in my district are closed and the priests and nuns are gone.

Respectfully,

J. H. JOHNSON.

File No. 812.404/58.

Special Agent Silliman to the Secretary of State.

[Extract.]

MEXICO, *January 30, 1915.*

SIR: On receipt of the Department's cablegram of January 14 requesting me to report on outrages upon nuns and priests and desecration of churches, * * * I called at the Archbishop's palace. * * * Monseigneur Paredes said that he would be pleased to prepare an official statement for me, giving the information desired by the Secretary of State. * * * I called on January 22 and was given a signed communication, of which the document enclosed herewith is an exact copy; it is accompanied by a translation prepared in my office. * * *

I have [etc.]

JOHN R. SILLIMAN.

[Inclosure—Summary.]

[The statement by Monseñor Antonio J. Paredes, Vicar General of Mexico, representing and acting for the Archbishop of Mexico in the Archbishop's absence from the country, declares:]

That between August 15 and November 26, 1914, thirty-two priests were arrested and held for periods varying from two to sixty days; ten of these were exiled.

That the Zapatista General Francisco Pacheco shot two priests: Conrado Navarro and Rosalio Zepeda.

That another Zapatista, General Everardo González, hung up and beat a priest named Domitilo Monroy.

"As to violations of nuns, I am certain that none within the Archbishopric has suffered an attack upon her modesty, and I have been unable to confirm the rumor that violated nuns have arrived at this capital from other places. Inasmuch as all religious affairs come to this office, of which I am in charge, I consider the above rumors entirely false."

Five attacks upon church property are specified, one of which involved the imprisonment of four sisters.

Only one profanation of a church had been reported; none in the capital; all churches in the State of Mexico had been closed from August 10 to November 30 by order of the Governor, except for mass on Sunday.

None of the Governors in the City of Mexico had demanded loans or contributions from the Catholic Church.]

File No. 812.404/53.

Consul Bonney to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
San Luis Potosí, February 1, 1915.

There has not been any.

[Not signed.]

File No. 812.404/62.

Consul Schmutz to the Secretary of State.

[Extract.]

No. 258.] AMERICAN CONSULATE,
Aguascalientes, February 12, 1915.

SIR: I have the honor to report that the Spanish Vice Consul here, Señor Alvaro Garcia, called at this Consulate this morning to inform me that the three remaining Spanish priests in Aguascalientes had been ordered to leave the country by the first train.

I offered * * * to wire this information to Mr. Geo. C. Carothers, and have him see General Villa and try to have this order rescinded. * * * If no order is received from General Villa revoking the Governor's order before 11 p. m., priests will leave on the 11.25 train tonight for El Paso. * * * The names of the three Spanish priests who are to be deported are: Francisco Petrarch, Juan Menéndez, and Felipe Valles Barrón.

I have given the Spanish Vice Consul letters to the three consular officers between here and El Paso, should he believe it necessary to request aid from any of them.

I have [etc.]

GASTON SCHMUTZ.

File No. 812.404/64.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, February 19, 1915.

343. The French Minister, the Vicar General and other respectable persons request me to inform you of the following:

The Mexican and foreign Catholic clergy, having failed to comply with an order from the military commander, General Obregon, to furnish half a million pesos within five days for the alleged purpose of helping the poorer classes, which amount the clergy assured [him] they did not possess, received an order to appear at the national palace this morning under caution that non-compliance with this last order would be considered a rebellious act and dealt with accordingly. About one hundred eighty priests of different nationalities called at the palace and are now held there under arrest, it being stated that the foreign clergy will be expelled from the country and the native held in prison until the amount requested is paid over. Same informants add that a mob concentrated around the palace, where there is a very heavy force of troops belonging to Obregon. This crowd asked for the immediate liberation of the clergy, and a small clash took place this morning. It is to be feared that this situation will grow worse later and be the beginning of very serious disorders and lawlessness.

In view of the above, I asked Silliman to put the matter before Carranza by wire.

CARDOSO DE OLIVEIRA.

File No. 812.404/76.

Vice Consul Davis to the Secretary of State.

[Extract.]

No. 16.] AMERICAN CONSULATE,
Guadalajara, February 20, 1915.

SIR: I have the honor to say that your January 14 was received at this Consulate on the 15th of January, and the next day I put an American lady, a Catholic well known here to be devoted to her Church, on the job of compiling accurate data on the subject. She returned to me yesterday, with a few meagre notes, saying—

I do not think you will use these notes, for I found it impossible to have facts substantiated as you require. I can not get the people most interested to state facts, for they seem terrified even at the echo of their own voices. That Fathers Galvan, Navarro, Araiza, Ramirez and another priest were executed by the military here, there can be no doubt whatever; but as to the acceptable facts in each case you will have to wait until these people may feel they can talk about such things without being taken out and executed themselves the day after.

I must therefore beg further time as to reporting the execution of priests, except as to the case of Father Galvan, who was brutally murdered by Constitucionalista (Dieguez) soldiers on the 31st of January, 1915, while in the act of administering extreme unction to fatally wounded soldiers of either faction, in the street next the municipal hospital, this city, and after the fighting was over.

Before reaching Guadalajara last August, I heard many terrible rumors of outrages of the persons of Catholic nuns and sisters by the Constitutionalist officers and soldiers on their entrance into Guadalajara. I was so horrified at the accounts that I made a personal investigation of the matter as soon as I could, and found that there was absolutely no truth in one word of those rumors All nuns, sisters, and foreign priests were banished, and that was all.

[Verification of the above statement by Mr. Kenneth Cunningham, an Englishman of Guanajuato, in regard to that city.]

* * * Both factions have systematically used the Archbishopric and all Catholic school buildings, convents and Catholic society homes for barracks, or any other purpose that might suit them while in military control of Guadalajara; and I was told that even the cathedral had been so used. * * *

I have [etc.]

WILL P. DAVIS.

File No. 812.404/65.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, Febraury 21, 1915.

475. Remembering Carranza's orders that diplomatic representations should be made direct to him, I sent the following telegram to him through Canada yesterday afternoon:

Department is informed from Mexico City that about one hundred eighty priests have been imprisoned by General Obregon for failure to produce half million pesos. So far as we know, no American priest has been included and we are not sure that any foreign priests have been included. Please see General Carranza at once and secure from him instructions which will prevent the arrest of any American priests who may be in his jurisdiction and also every possible assurance of protection for any foreign priests. You will then use the good offices of this Government with him to secure the release of the native priests. Say to him that the employment of such methods for the collection of money are so unusual and so unjustifiable that they arouse world-wide disapproval. We are sure that General Carranza will, upon investigation, give the necessary instructions for the protection of all members of religious orders. Present this matter with all possible earnestness, for it is a very grievous mistake and will be sure to arouse resentment in Mexico as well as here and in other countries. It is possible that the necessary instructions have already been given to General Obregon for the release of these priests, but the matter is so serious that we are sending this telegram.

I repeat it to you for such use as you are able to make of it with Obregon. You will specially intercede in behalf of the Vicar General, and Canada will do the same with Carranza. It is a most inexcusable exercise of arbitrary power.

BRYAN.

File No. 812.404/85.

Father Kelley to the President.

[Extract.]

NEW YORK, *February 23, 1915.*

MY DEAR MR. PRESIDENT: First of all I desire to thank you for the long and very satisfactory hearing of a few weeks ago, in which you gave me an opportunity of expressing the views of the exiled Bishops of Mexico and of the Board of Governors of the Catholic Church Extension Society on the Mexican situation. * * * I promised that I would commit to writing some of the most important points touched upon. I do this now, with very great pleasure. * * *

The point that I particularly desired to make was that the troubles in Mexico go deeper down than those which affect the agrarian question; and that any remedy offered for Mexico must reach the root if the cure is to be permanent. * * * Economic and agrarian questions [during the last year] were only side issues; the great issue of Mexican politics was that of liberty of conscience. * * * The exiled Bishops of Mexico do not ask, nor do they want, American intervention. What they want is a simple guaranty of liberty of conscience. * * * From the beginning the entire Constitutionalist move was, through the influence of such men as General Antonio L. Villareal, made antireligious and persecuting. This condition is an old one in Mexico. * * * You know that under such conditions peace cannot exist. An arrangement may be arrived at now, but if the canker is not cured the arrangement cannot last. The Mexican question will come up again. * * * To me it seems the most logical thing that you, as a representative of the American people and as one who has sympathy for Mexico, should point out to her the radical difficulty, in a friendly and kindly manner. * * * If you insist upon liberty of conscience for Mexico, in all respects as it exists in the United States, you are on absolutely safe and solid ground. * * * Such a declaration is all that the Catholic people want; but less than that would promise nothing for the future welfare of Mexico.

It is my sincere conviction that you will find the parties of Mexico, with the exception of Carranza, perfectly willing to listen and accept your suggestion. The leaders I have seen in the United States are already convinced that the best interests of their country require that Mexico should cast off the fetters of anticlericalism and pattern its conduct toward religion after its northern neighbor. I think Villa now realizes the mistakes that were made, and Zapata has never persecuted the Church or murdered her clergy. I am well aware that nothing is to be expected of Carranza, not even respect to the United States which helped him to success. But I do believe that Villa could be reached, and I know positively that Mexican leaders in the United States are favorable. A strong declaration on your part of your own position would be the first step toward giving Mexico that real liberty which it has not had for fifty years. Indeed, Mr. President, the destinies of Mexico are in your hands. * * *

Faithfully yours,

FRANCIS C. KELLEY,
President of The Catholic Church Extension Society.

File No. 812.404/73a.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 24, 1915.

480. Question has been raised here as to the standing of Vicar General Antonio J. Paredes. It is charged that he owes his position to Carranza and does not fairly represent the Church authorities.

Will you please make inquiry and ascertain, first, whether a native Mexican; second, if not, how long he has lived in Mexico and where; third, what connection if any he has had with those in authority and whether there is any reason to question the veracity of his statements either because of duress or for any other reason.

BRYAN.

File No. 812.404/74.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegram.]

BRAZILIAN LEGATION,
Mexico City, February 26, 1915.

366. Department's 480, February 24. I am informed by reliable persons that Vicar General Paredes is a native-born Mexican; that he is reported as having been friendly with Carranza before his selection to the position of Vicar General and this no doubt was of advantage to him in securing his selection to the [omission] by the church electors; that he is able and shrewd; that many Catholics opposed to him who question his motives, and that others strongly support him and speak well of him; that his election seems to have been regular and confirmed by the Archbishop. So far as I have heard, he is not considered here as a man who would [omission] the truth.

CARDOSO DE OLIVEIRA.

File No. 812.404/87.

Consul Canada to the Secretary of State.

No. 1163.] AMERICAN CONSULATE,
Vera Cruz, March 8, 1915.

SIR: I have the honor to acknowledge the receipt of the Department's telegraphic instructions of January 14 and to transmit enclosed herewith a report of the treatment of the Roman Catholic churches, priests and nuns in this consular district. In the case of Vera Cruz the information is given from personal observance, and in the instance of cities of the interior the data come from sources considered reliable.

I have [etc.]

WM. W. CANADA.

[Inclosure—Extract.]

While the American forces were in the port of Veracruz the city was a refuge for priests and nuns from all parts of the interior. * * * Most of them were unkempt, emaciated and in rags. * * * With every rumor of evacuation of the port by the Americans there was panic among them, and when the certainty of the evacuation became known, the Spanish priests, especially, were willing to go anywhere, even penniless to a country whose language they did not understand, to escape before the entry of the Constitutionalists.

In September 1914 it had been published officially that the Governor and Military Commander of the State of Veracruz had ordered the definite expulsion of the foreign clergymen, permitting Mexican clergy only to exercise their functions, in the proportion of one priest in towns of 500 to 10,000 inhabitants, two priests in towns of 10,000 to 30,000, and up to four priests as

a maximum in towns of more than 30,000. Nevertheless, after the entry of the Constitutionalists in November 1914, masses continued to be celebrated as usual in the three churches of the city of Veracruz. The confessionals were allowed to remain, and the Spanish priests were permitted to say masses.

However, on December 9, the second in size of the churches was seized and turned into barracks. [Details.]

The other churches in Veracruz have not been molested, and the Spanish priest of the parochial church is permitted to say mass in spite of the decree against the foreign clergy. In this port, in fact, the expressions of hostility against the Church have not been marked, probably because the Church has never exercised much influence in recent years over the people of the port. [Instance of an anti-clerical lecture, announced but not delivered; and of posters criticizing the clergy.] Some of the Catholics in Veracruz were vexed at the exceptional courtesies shown a Methodist bishop on his recent visit here; but this treatment was probably only natural considering the fact that a number of Mexican Protestant ministers and elders are connected with the higher executive departments of the Constitutionalists in Veracruz.

JALAPA.

In the interior of this consular district, where the Church has had more power than in the port of Veracruz, the churches and clergy have not fared so well.

[Instances of banishment of clergymen from Jalapa, limitation of services, imprisonment of priests for exceeding these limits.]

All church property, with the exception of the Virgen de la Piedad, was confiscated. [Details.]

ORIZABA.

[Confiscations of churches for use as barracks, and of various convents, and of the effects of priests and nuns.]

On September 6 the foreign priests, principally Spaniards, and even one or two Mexican priests, were given four hours in which to get out of the city. Most of their effects were confiscated.

Most of the books belonging to the churches and religious orders were burned, given away or sold at prices ridiculously low in view of their value.

COATEPEC.

All the church property of Coatepec was confiscated and some of the service stolen, but mass is said daily in one of the four churches, although under strict regulations.

[Arrest of a priest in December 1914, still imprisoned, and confiscation of his effects.]

EL TEJAR.

[Confiscation of a church, used also for school purposes, to be used as barracks.]

SAN ANDRÉS.

[Arrest of three Spanish priests, their release and refuge in Vera Cruz.] In this instance there are details of abuses, mockery, threats, the torture of being led to believe that execution was to be their lot, for the enjoyment of the soldiers; sufferings in their wanderings with the troops over the State, their journey alone to Vera Cruz, where they learned of the confiscation of their property and where they had to depend on charity. Yet this case is but one of many, and the incidents are nothing in comparison with the sufferings of other priests whose stories are being learned from time to time.

WM. W. CANADA.

VERA CRUZ, MEXICO, *March 8, 1915.*

File No. 812.404/97.

The Archbishop of Mexico to the Secretary of State.

NEW ORLEANS, *March 12, 1915.*

Before all, I am obliged to state that I left the City of Mexico May 11, 1914, on my way to Rome in order to settle some very serious and

urgent affairs. For this reason I was not able to be a witness to what I tell you, but I have known it either from letters received from well-known persons or on the testimony of those worthy of belief. I have this to state:

1. That the Very Rev. D. Francis C. Kelley, D. D., holds the statement of a nun who, flying from Mexico for fear of such outrages, went to Havana—a statement made before his excellency the Archbishop of New Orleans, Monsignor Blenk.

2. I know, through persons who merit entire confidence, that in truth there were some nuns outraged, not exactly in the City of Mexico but in the northern part of the country ruled by the Carrancistas.

3. A lady of the Mexican White Cross assured a parish priest that in the Maternity Home of Mexico she had seen eleven violated nuns.

4. I have seen in Havana nuns of the order of Jesus and Mary, Servants of Mary, Little Sisters of the Poor, Teresians, Carmelites, Capuchins, and others, all of whom left the Republic of Mexico for fear of these savage attacks.

5. It is moreover known publicly that all these outrages are spoken of and commented on in public, although no names of persons are given.

6. I have been told with entire certitude of the violation of honest maids who have suffered this outrage.

7. I know, also by a person to whom it was told, that certain nuns were thrown out of their house in the city of Mexico, and taken to a barracks where they passed the night.

With all that goes above, if the great number of attacks by these revolutionaries is taken into account, I believe that in reality there have been many violations of nuns, perhaps not in the exact amount which some have assigned, but certainly enough to make evident the lack of shame on the part of these men, and their savagery.

It can well be that Señor Paredes was not a witness to these facts, but that does not hinder them from having taken place.

[Not signed.]

By Archbishop of Mexico.

Delivered to State Dept by Monseigneur Russell.

File No. 812.404/82.

Vice Consul Coen to the Secretary of State.

No. 6.] AMERICAN CONSULATE,
Durango, March 13, 1915.

SIR: * * * I have the honor to report that the records in this office show no incidents during the year 1914 strictly within the title of this despatch [outrages upon priests and nuns and desecration of church property]. In June, 1913, when the revolutionary forces took the city of Durango, there were desecrations of church property and some abuse of priests here, according to reliable information and the records of the office. However, during the year 1914 the following incidents happened, and as they were measures directed against the Catholic Church it may be well to make note of them.

1. On February 5, 1914, a decree was issued by the Provisional Governor expelling from the State all priests of the Jesuit order "for intriguing in favor of the Huerta government". * * *

2. On May 9, 1914, a decree was issued by the Government of the State of Durango prohibiting the return of any Catholic priest or of any member of the former volunteers known as the Defensa Social, on the ground that their emigration from Durango was proof of their enmity toward the revolutionary cause.

3. At various times during the year, property owned by priests or by the Catholic Church, including mortgages, was confiscated and the rents and proceeds taken by the authorities. [Instances.]

4. In May 1914 the Constitutionalists took charge of the Colegio de Jesus Maria in Torreon and used the building and the grounds for a barracks. * * *

Personally, nor upon information, I do not know of any other incidents in this consular district during the year 1914 relating to the subject-matter of this despatch.

I have [etc.]

HOMER C. COEN.

File No. 812.404/85.

The Secretary of State to Father Kelley.

[Extract.]

DEPARTMENT OF STATE,
Washington, March 20, 1915.

MY DEAR FATHER KELLEY: The President has referred to me your important letter of the twenty-third of February concerning the present distressing situation in Mexico, with the request that I tell you very definitely what the attitude and acts of the Administration have been in the matter of the protection of the rights of conscience and of worship there, a matter in which the Administration is, I need not say, deeply interested as all true Americans must be.

The question which has bulked largest in political discussion in connection with the present revolution in Mexico, and in connection with the revolution which preceded it, is the land question. * * *

But of course economic questions are settled, if the matter be thought through to its real heart, only in order to give leave to the deeper things that are spiritual. A democracy must be sustained by education * * * and above and beyond all, the full flower of democracy, lies religious freedom, the principle which the builders of our own Republic made the crown of the whole structure. * * *

The Administration has not felt at liberty to play any part in the internal affairs of Mexico except that of friend and adviser. It realizes that, by reason of geographical proximity and many historical circumstances known to all the world, it is in some peculiar degree charged with the duty of safeguarding, so far as it may within the limits of international privilege, the lives and rights of foreigners in Mexico, and it has again and again made the strongest possible representations with regard to such matters to those who have from time to time assumed responsibility for affairs in Mexico during the troublous months through which that country has been passing. At

every turn of affairs there, moreover, and upon every report of persecution, it has advised and warned those who were exercising authority of the fatal effect any disregard for the lives or rights of those who represented religion or any attack upon liberty of conscience or of worship would have upon the opinion of the people of the United States and of the world.

[Quotations from instructions sent to diplomatic and consular representatives of the United States in Mexico during 1914 and 1915.]

These despatches, selected from those sent, illustrate the spirit in which the President and those associated with him have dealt with the Mexican situation in so far as it affects the subject of religion.

This Administration is, of course, the servant of the American people. It seeks to be governed by their convictions and by the principles which have governed their political life. It has felt it to be its duty to urge upon the leaders of Mexico, whenever an opportunity offered, the principles and methods of action which must underlie all real democracies, as they have supported ours. These principles will, in the same way, govern the Administration in handling every question that affects its relations with Mexico, including the final question of recognition of any government that may issue out of the present revolution and give promise of stability and justice. * * * The Mexican leaders will certainly know that in order to command the sympathy and moral support of America, Mexico must have, when her reconstruction comes, just land tenure, free schools, and true freedom of conscience and worship. * * *

I am [etc.]

W. J. Bryan.

File No. 812.404/81.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

Vera Cruz, *March 20, 1915.*

Monsignor Paredes, the Vicar General, called this afternoon to express his appreciation of the interest of the Department and the Brazilian Minister in his case. He and his companions were kept eight days in a freight car by General Obregon; on arrival here they spent the first night in prison; all this without knowledge of Carranza, who placed them at liberty yesterday. For the present they are given the liberty of the city only.

Silliman.

File No. 812.404/86.

Vera Cruz, *March 26, 1915.*

The following appeared in one of the leading dailies this morning:

To the citizen Venustiano Carranza, Chief of the Constitutionalist Army in charge of the Executive Authority of the Union:

The Catholic priests of the Archbishopric of Mexico, undersigned, have the satisfaction to declare to you that we have seen with pain and displeasure that certain Catholic refugees on foreign soil, wrongly counselled and directed by an association which under pretext of protecting the Catholic cause has been for years undertaking to meddle in our national affairs, have addressed themselves to a foreign government in order to seek protection for the Church of Mexico.

We assure you that no one of us has taken part in such measures, which we consider unpatriotic and unnecessary.

It is true that we have to lament some injuries to persons and to matters pertaining to the worship and service of the Church; we consider all this as a sad consequence of the revolution which has moved the very foundation of our country and which in its sweeping zeal to tear up by the roots the elements of evil has, along with things which are really evil, affected others which are not such; but we confess that, in so far as concerns the most distinguished persons of the revolution, we have received attentions which we appreciate and in many instances guaranties which appear to us meritorious in our position as Mexican citizens.

It is our hope, then, that without betaking ourselves to any foreign power we may be able to obtain all the guaranties and rights compatible with the laws under which we live; that we may be permitted, far from using any political effort whatever, to devote ourselves to the betterment of the poor and the pacification upon the basis of respect for the constituted authorities and the brotherhood of all Mexicans.

Please accept this manifestation of our respect, our gratitude, and our distinguished consideration.

ANTONIO J. PAREDES,
Vicar General of the Archbishopric of Mexico,
and fourteen other Mexican priests.

SILLIMAN.

File No. 812.404/62.

The Secretary of State to Consul Schmutz.

No. 90.] DEPARTMENT OF STATE,
Washington, April 1, 1915.

SIR: The Department has received your despatch No. 258 of February 12, 1915, reporting that three Spanish priests [etc.]

The Department approves of your action in sending the telegram to Mr. George C. Carothers asking him to see General Villa and try to have the order rescinded.

It also approves of your action in giving certain letters to the Spanish Vice Consul for presentation to the three consular officers between Aguascalientes and El Paso, should it be necessary to request any aid of them.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 812.404/112.

Father Kelley to the Secretary of State.

[Extract.]

CHICAGO, *April 17, 1915.*

MY DEAR MR. BRYAN: A formal reply to your very interesting and very important letter of the 20th ultimo should have been sent you some weeks ago; but [etc.]

How deeply this question of religious liberty in Mexico goes into the causes that brought the country into its present unhappy condition, you may realize by reverting to your reference to the land question. It may seem difficult to believe that this question is a direct result of the antireligious laws of Mexico; yet such is the fact. A very large majority of the people of Mexico are Indians. Under the wise laws made by Spain for the protection of the aboriginal people,

they were wards of the State, just as our Indians are. The pueblos held lands for their Indian population in common, and these lands were worked in common. The law which dissolved communities—aimed chiefly at religious communities—dissolved also the Indian communities, and did away with the Spanish community-lands. These lands were divided amongst the Indians as individuals, but long before all were ready to assume responsibilities. As a consequence, most of the new Indian proprietors sold or bartered them off for what they could get. It was chiefly through this bartering that the lands fell into the hands of large proprietors, and the Indians became their employees. Had the same course been followed in the United States, we all know that the same result could have been expected. The problem in Mexico, on account of the large Indian population, was a larger one than ours, but it was the same problem. Mexico took the wrong solution. No student of the Mexican situation believes today that the redistribution of the lands, unless safeguards are thrown about the right to sell, would bring about a different result. If the land question is all-important for a settlement of Mexico's troubles, the utmost care alone can prevent it coming again later to inaugurate a new reign of terror. But the point I wish to emphasize is, that it was the antireligious laws which in reality were responsible for the land question, upon which you very justly put so much stress. * * *

Your mention of the need of education in Mexico is as interesting as your reference to a just and wise solution of the land question. There is no doubt whatever but that Mexico needs education; but again I desire to point out to you the fact, easily verified from the knowledge of those who are acquainted with Mexico's history, that the antireligious laws have been chiefly responsible for the said condition of education in Mexico today. Previous to the passing of these laws, Mexico had many schools for higher, secondary and primary education; and, even in the country districts and amongst the Indian tribes, schools existed, generously supported by offerings on the part of Catholic Spaniards and the wealthier Mexicans. The driving out of religious communities, whose one object was the conversion and uplifting of the Indians, closed the missions and the mission schools, for their foundations were confiscated by the State, or, by "denunciation", bought by private individuals for practically nothing. * * *

Thanking you [etc.]

FRANCIS C. KELLEY,
President of The Catholic Church Extension Society of the United States of America.

File No. 812.404/98.

Vice Consul Davis to the Secretary of State.

No. 580.] AMERICAN CONSULATE,
Guadalajara, August 30, 1915.

SIR: I have the honor to say that I am herewith enclosing protests of Catholic women made to General Obregon at Mexico City, and

of Guadalajara to Governor Berlanga against Catholic persecutions on the part of Constitutionalists.

I have [etc.]

WILL B. DAVIS.

[Inclosures—Summary.]

[The first protest is dated in Mexico City, February 11, 1915, and purports to bear the signatures of eight hundred women. It is addressed to "Citizen Alvaro Obregon" and protests against the "unspeakable sacrilege" and "brutal outrage" committed through the confiscation of the parochial churches of Coyoacan, Atzcapozalco, and the churches of La Concepcion and Santa Brigida and its annex the Josefino College. It asks that the churches and colleges be restored to the uses for which they were created.

The other protest is dated in Guadalajara, August —, 1915, and, though no signature is attached, is made by "the ladies of that city to the Provisional Governor of the State, Manuel Aguirre Berlanga." The protest "before the Governor, the Nation and the whole world" is against:

1. The blasphemies, profanations and spoliations of Catholic churches, sacrileges therein committed and the persecution of Catholic priests.
2. The free rein given to anti-Catholics and the insults and calumnies heaped on the Catholics by the official and semiofficial organs of the Revolution.
3. The law which forbids them to give their children a Christian education, a right conceded to them by the Constitution of 1857 though it was made against the Catholics.
4. The numberless executions by shooting for offenses which, even if proven, would not be punished with death by any civilized legislation.]

File No. 812.404/99.

Vice Consul Stadden to the Secretary of State.

[Telegram.]

MANZANILLO, *September 29, 1915.*

The military authorities in Colima have confiscated Catholic church, orphan asylum, colleges, and have given fifteen days for the bishop to evacuate his palace. These desecrations of church property are causing great indignation.

STADDEN.

File No. 812.404/101.

The Confidential Agent of the Constitutionalist Government to the Secretary of State.

WASHINGTON, *October 8, 1915.*

MY DEAR MR. LANSING: Complying with your excellency's request [86] asking me what is the attitude of the Constitutionalist Government in regard to the Catholic Church in Mexico, I have the honor to say that inasmuch as the reestablishment of peace within order and law is the purpose of the Government of Mr. Venustiano Carranza, to the end that all the inhabitants of Mexico without exception, whether nationals or foreigners, may equally enjoy the benefits of true justice and hence take interest in cooperating to the support of the Government, the Laws of Reform, which guarantee individual freedom of worship according to everyone's conscience, shall be

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[86] Oral.

strictly observed. Therefore the Constitutionalist Government will respect everybody's life, property and religious beliefs, without other limitation than the preservation of public order and the observance of the institutions in accordance with the laws in force and the Constitution of the Republic.

Hoping that I may have honored your excellency's wishes, I avail [etc.]

E. ARREDONDO.

File No. 812.404/110.

Father Kelley to the Secretary of State.

[Extract.]

CHICAGO, *December 30, 1915.*

MY DEAR MR. LANSING: I am sending you herewith enclosed the following documents[72] on the Mexican troubles which I promised to have prepared for your files:

First. Decree issued by the Governor of Michoacan confiscating the property of Catholic priests. This decree was issued since the recognition of Carranza. Attached to this are some notes prepared by a Mexican.

Second. Extract from the sworn statement of Sister Elisa Maria del Salvador regarding the outrages against nuns.

Third. Affidavit given to me by an American citizen concerning the outrages against nuns.

Fourth. Extracts from private letters concerning the violations of the religious liberty pledge since recognition.

I am also sending you by registered mail a copy of "The Book of Red and Yellow" containing other affidavits and statements.

* * * You were good enough to ask what could be done by the Administration, and I promised to think the matter over and give you my ideas on the subject. Something can be done that would relieve the situation very materially. * * * If you can secure from the Carranza Government the following, I believe that criticisms will be turned into a great deal of satisfaction:

First. A formal invitation from the Carranza Government to all the expatriated Mexican bishops and clergy to return to their posts of duty, with absolute guaranty of safety and immunity from persecution and also *prosecution*. (N. B. I emphasize the word "prosecution" because if this invitation is not unconditional, drumhead courtsmartial and trumped-up charges imperil the lives of the bishops.)

Second. The return of all the churches and all church property to their former uses.

Third. The guaranty that there shall be no restrictions on the rights of citizenship of the clergy as given by the Constitution.

Fourth. A guaranty that all the clergy of all religious denominations shall be afforded the protection of the law as it is on the books of the Republic.

[72] Not printed.

I am sure you will find nothing unreasonable in these suggestions. It would be hard to ask for less, since it is only asking for what the laws of Mexico guarantee.

Faithfully yours,

FRANCIS C. KELLEY,
President of the Catholic Church Extension Society of the United States of America.

PROTECTION BY THE UNITED STATES OF BRITISH, SPANISH, FRENCH, GERMAN, TURKISH, AND CHINESE INTERESTS IN MEXICO.[87]

BRITISH INTERESTS—ESTATE OF W. S. BENTON.

File No. 312.41/369.

Consul Letcher to the Secretary of State.

No. 601.] AMERICAN CONSULATE,
Chihuahua, March 25, 1915.

SIR: Referring to the Department's No. 298 of September 1, 1914,[88] I have the honor to report that certain portions of the ranch of the estate of the late W. S. Benton still continue to be occupied by inhabitants of the villages of Santa Maria de Cuevas and Santa Rosalía under the terms of General Villa's order of April 20, 1914,[89] and that it has been impossible to secure from the state authorities any satisfactory settlement for the occupation of the property during the past year. Following receipt of the instructions just indicated, I addressed a request to General Villa through the office of the Governor, Villa then being in the midst of a campaign, calling attention to the fact that the Los Remedios property had not been abandoned, as suggested to me in his letter of July 28, but had been continuously in charge of Mr. John Harvie as resident manager. In reply, in view of General Villa's preoccupation with military affairs, Governor Avila assumed responsibility for a proper settlement with Mrs. Benton for the use of her lands for the year 1914. After repeated subsequent correspondence with the Governor relative to the matter and after a purported investigation and report by the municipal president of Santa Maria de Cuevas to the Governor had been made, the latter offered payment to Mrs. Benton in the sum of 300 pesos, worth in U. S. currency at the present time about $30. This offer was communicated to Mr. Harvie, who refused it as ridiculous and absurd, stating that in excess of 2,000 acres had been occupied under Villa's order, in the cultivation of which 192 teams of oxen and horses had been used, and that, considering damages to fences, pasturing of cattle, free use of wood, etc., 5,000 pesos would even be an inadequate compensation. The Governor now states that he cannot consider any adjustment of the matter beyond the offer of 300 pesos,

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[87] Continued from For. Rel. 1914, p. 784. See also, in this volume, Treatment of religious orders in Mexico, etc., p. 1004.
[88] For. Rel. 1914, p. 865.
[89] Id. 863, Mr. Letcher's No. 494 of June 4, 1914.

and that if a different settlement is desired, General Villa must be addressed in the matter.

Mr. Harvie has now addressed me a letter in which he states that the people of the near-by villages are again preparing to cultivate the lands of the Benton ranch and he asks that the aid of the Department be requested to the end that the rights of Mrs. Benton may be respected.

I have [etc.]

MARION LETCHER.

File No. 312.41/369.

The Secretary of State to Consul Letcher.

No. 350.] DEPARTMENT OF STATE,
Washington, April 6, 1915.

SIR: The Department has received your despatch No. 601 of March 25, 1915, reporting that certain portions of the ranch [etc.]

You are instructed to inform Mr. Harvie that the matter should be taken up with the British Vice Consul.

If so requested, you may cooperate with the British representative to obtain relief for Mrs. Benton.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.41/393.

Consul Letcher to the Secretary of State.

No. 627.] AMERICAN CONSULATE,
Chihuahua, April 27, 1915.

SIR: Referring to the Department's No. 350 of April 6, 1915, relative to the depredations being committed on the ranch property belonging to the estate of the late W. S. Benton, I have the honor to report that I have suggested to Mr. Harvie, resident manager of the property, that he take the matter up with the British Vice Consul. I have also conferred with the latter and offered him my cooperation in further proceedings on his part, as instructed in the Department's communication under acknowledgment.

I have [etc.]

MARION LETCHER.

File No. 312.41/471.

Collector Cobb to the Secretary of State.

EL PASO, *August 27, 1915.*

Herd of five hundred cattle together with Mexican foreman, owned by William Benton, British subject, cousin of William Benton, deceased, while en route to border were yesterday seized south of Columbus by Gutierrez, former lieutenant of Salazar.

COBB.

PROTECTION OF SPANISH INTERESTS.[90]

File No. 312.52/497.

The Secretary of State to the Spanish Ambassador.

DEPARTMENT OF STATE,
Washington, January 4, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence relative to the execution at Tampico, Mexico, of Vicente Vidal and Eduardo Sabugal, and the detention of Julian Zorrilla, Spanish subjects, I enclose herewith, for your information, a copy of despatch No. 1095, dated December 18, 1914,[91] from the American Consul at Vera Cruz, transmitting correspondence from the Carranza Foreign Office, in which it is stated that future representations in regard to this matter must be made by the legal representatives of Spanish interests in Mexico.

I am [etc.]

W. J. BRYAN.

File No. 312.52/510.

The Spanish Ambassador to the Secretary of State.

SPANISH EMBASSY,
Washington, January 22, 1915.

MY DEAR MR. SECRETARY: I beg to inform you that I have today received a despatch from the Spanish Consul at Vera Cruz, dated January 15, in which he informs me that. not being able to communicate either by post or telegraph with the Spanish Minister in the capital of Mexico, he is corresponding with me in order to call my attention to the critical situation of the Spaniards residing in the States of Vera Cruz, Puebla, and Tlaxcala.

A few days ago, the Consul reports, seven Spaniards were killed by the Constitutionalist forces at the station of Esperanza, on the Mexican Railroad, and another one lost his life at the station of San Marcos of the same railway.

Persons who have recently arrived at Vera Cruz from Puebla have reported to the Spanish Consul that there are more than fifty Spaniards imprisoned, whose ultimate fate there is every reason to fear for.

These reports are confirmed by the news which I received from the Spanish Minister, from the capital, and all of them reveal an extremely serious situation for the Spanish residents of the States I have mentioned and very specially in Puebla, where our large colony and important manufacturing interests have attracted the animosity and the cupidity of the various Carrancista and Zapatista faction which have held that territory under their control.

I venture to call your attention once more to this critical state of affairs, in the hope that you will exert all your influence to obtain an improvement in the situation.

Believe me [etc.]

JUAN RIAÑO.

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[90] Continued from For. Rel. 1914, pp. 784–838.
[91] For. Rel. 1914, p. 837.

File No. 312.52/510.

The Secretary of State to the Spanish Ambassador.

DEPARTMENT OF STATE,
Washington, January 26, 1915.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your note of January 22, in which you inform me [etc.]

In reply I desire to inform you that the Department on January 23 sent a telegram to the American Consul at Vera Cruz, directing him to bring this situation to the personal attention of General Venustiano Carranza, and to point out to him the utmost importance of speedy and effective action for the protection of the lives of Spaniards and the prevention of summary action against those reported to be in prison. The Consul was further instructed to telegraph the Department as soon as possible the result of his representations. As soon as his report is received you will be informed of its purport.

I am [etc.]

W. J. BRYAN.

File No. 312.52/519.

Consul Canada to the Secretary of State.

No. 1119. AMERICAN CONSULATE,
Vera Cruz, January 28, 1915.

SIR: I have the honor to acknowledge the receipt of the Department's telegraphic instructions [92] of January 23 regarding the killing of seven Spaniards at Esperanza and one at San Marcos, as well as other abuses and menaces in the States of Vera Cruz, Puebla and Tlaxcala, and to transmit enclosed herewith a copy and translation of the reply of the Constitutionalist Foreign Office, together with a copy of the representations made by this Consulate, a few slight changes having been made therein when quoted in Spanish by the Foreign Office.

I have [etc.]

WM. W. CANADA.

[Inclosure 1.]

Consul Canada to General Carranza.

AMERICAN CONSULATE,
Vera Cruz, January 24, 1915.

YOUR EXCELLENCY: I am apprised by cable that the Department of State at Washington has been informed by the Spanish Embassy there that seven Spaniards were recently killed by the Constitutionalist forces on the Mexican Railroad at the station of Esperanza and that another Spaniard lost his life at the station of San Marcos, and also that it is reported from Puebla that more than fifty Spaniards are imprisoned and that Spaniards and their properties in the States of Vera Cruz, Puebla and Tlaxcala are menaced.

At the request of the Spanish Embassy my Government has instructed me to bring the foregoing immediately to your personal attention and to point out to you plainly the utmost importance of speedy, effective action for the complete

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[92] Referred to in the next foregoing.

protection of the lives of Spanish subjects and the prevention of summary action against those reported to be in prison; and that if the Constitutionalists take action such as it is reported they are to take, the indignation of mankind will certainly follow and the consequences must lie at the door of those responsible.

I am further instructed to telegraph the result of my representations as soon as possible.

With renewed [etc.] WM. W. CANADA.

[Inclosure 2—Translation.]

The Acting Secretary of Foreign Relations to Consul Canada.

No. 246.] FOREIGN OFFICE,
Vera Cruz, January 26, 1915.

MR. CONSUL: Your note of the 24th of this month, personally informs Citizen Venustiano Carranza, First Chief of the Constitutionalist Army that:

The Department of State in Washington *has been informed* by the Spanish Embassy in said capital that seven Spaniards were recently shot by the Constitutionalist forces in the station of Esperanza, on the line of the Mexican Railroad, and that another Spaniard lost his life at the station of San Marcos; and also that *news is had* from Puebla, according to which fifty Spaniards are held as prisoners and that the properties and lives of Spaniards in the States of Vera Cruz, Puebla and Tlaxcala are menaced. At the request of the Spanish Embassy, my Government has given me instructions to bring the foregoing to your personal attention, pointing out clearly the utmost importance of rapid and effective action for the complete protection of the lives of Spanish subjects and the suspension of summary action against those *who are said to be* under arrest; and also that if the Constitutionalists adopt the measures which it is said they are disposed to adopt, they will no doubt provoke the indignation of humanity and those responsible will have to assume the consequence.

The First Chief of the Constitutionalist Army, in charge of the Executive Power of the Mexican Republic, has sent to this Department of State your note which contains the representation of the American Government made at the request of the Ambassador of Spain at Washington; and, in accord with the First Chief of the Constitutionalist Army in charge of the Executive Power of the Union, I have the honor to answer you as follows:

This Department of State will request General Alvaro Obregon, Chief of the military operations of the States of Vera Cruz, Puebla and Tlaxcala, to state whether the reports furnished to the Department of State in Washington by the Ambassador of Spain, relative to the supposed execution of seven Spaniards by Constitutionalist forces at the station of Esperanza and the death of another Spaniard at the station of San Marcos, are true or untrue; inasmuch as from the text of your note, it cannot be seen whether the Ambassador of Spain affirms the action as being strictly true, since, in a vague manner, the Department of State in Washington only says that it has been informed of this supposed fact (I underscore in your note the phrase *has been informed*) without indicating the source from which this information originated, nor the slightest logical foundation which upholds it.

In your same note it is stated "*news is had* from the Puebla according to which fifty Spaniards are held as prisoners and that the properties and lives of Spaniards in the States of Veracruz, Puebla and Tlaxcala are menced."

Notwithstanding that the origin of this news (I also underscore the phrase *news is had*) is not pointed out, and that not only is it not definitely asserted, but not even remotely indicated; notwithstanding that it is not stated how and why the properties and lives of Spaniards residing in those three States of the Federation are menaced—which gives rise to the belief that it is a matter of the so-called news of the yellow press and of the enemies of Constitutionalism, unworthy of belief because of their lamentable vagueness—reports will be requested of the Governors of the States mentioned, in order that this Department may know if really, as it *is said*, fifty Spaniards are under arrest at Puebla and the reason why they are; and when once concrete data are obtained, this matter, as well as all similar thereto, will be handled through the proper channels.

Lastly, I have the honor to answer the final portion of your note, advising you that Constitutionalism has not adopted, does not adopt, and will not adopt measures other than those inspired by justice, even when it is stated to the contrary by imputations without proof whatsoever, from a suspected and hidden origin; and justice, Mr. Consul, has never provoked the indignation of humanity.

Please accept [etc.]

URUETA.

File No. 312.52/533.

Consul Canada to the Secretary of State.[93]

No. 1128.] AMERICAN CONSULATE,
Vera Cruz, February 5, 1915.

SIR: I have the honor to supplement my despatch No. 1119 of January 28, 1915, relative to molestations to Spaniards and their property, and to transmit enclosed herewith a second reply from the Constitutionalist Foreign Office, quoting a statement of Governor of the State of Vera Cruz in regard to the matter.

I have [etc.]

WM. W. CANADA.

[Inclosure—Translation.]

The Acting Secretary of Foreign Relations to Consul Canada.

No. 277.] VERA CRUZ, *February 2, 1915.*

MR. CONSUL: General Cándido Aguilar, Governor of the State of Vera Cruz, in a depatch dated the 28th of last January tells me the following:

Duly answering your note of the 26th of this month, relative to the representation made to that Department by Mr. William W. Canada under date of the 24, I have the honor to inform you of the following facts: With regard to the seven Spaniards who are said to have been shot recently by Constitutionalist forces at the station of Esperanza, on the Mexican Railroad, the Government under my charge has no notice whatsoever beyond that of seven Spanish subjects who were expelled from the country during the last days of October of last year, as prescribed by Article 33 of the Constitution. It is to be believed that this notice is the one which has given rise to the report received by the Department of State in Washington, as erroneous as it is maliciously distorted. With regard to the case of another Spaniard who is said to have lost his life at the station of San Marcos, as well as that of the fifty Spaniards imprisoned in Puebla, as affirmed in the note to which I refer, this (State) Government is without any data, since said places belong to a federal division outside of that which I represent. I should make special mention of the statement in the note alluded to relative to the properties and lives of Spaniards in the State of Veracruz being menaced, inasmuch as by every means at my command I have striven to give the most ample guaranties compatible with the present state of affairs, and I can assure you that, notwithstanding this state of affairs, Spanish subjects, with the exception of entirely accidental cases, have enjoyed all manner of safety, and are going about their business the same as in normal times. At the same time, I take the liberty of communicating to you that the (State) Government under my charge has decreed, in some cases, the expulsion of Spanish subjects because of having duly proved that their activity is very far removed from that in which every foreigner should engage in a country where he receives hospitality and facilities for prospering in his business, and further that it is proposed to continue applying the same penalty to all foreigners who perniciously mix in the politics of our country. Lastly, I beg to inform you, in order that you may kindly transmit it to his excellency the Consul of the United States at this port, that whenever it is proved that any civil or military authority fails to extend the necessary guaranties to any foreign subject, I shall energetically proceed to remedy the evil, duly punishing those responsible.

I have the honor to transcribe the above to you, answering your note of January 24th last, with the understanding that we are awaiting information that is to be rendered by the Governor of Tlaxcala and Puebla.

Please accept [etc.]

M. DÁVALOS.

File No. 312.52/517.

Consul Canada to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Vera Cruz, February 8, 1915.

Spanish Consul informs me two Spaniards of high social standing ordered to leave country within five days without being informed

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[93] Communicated to the Spanish Ambassador March 4, 1915.

of cause, time expiring today. He has advised them not to leave and will request Constitutionalist government if they should be arrested to show cause according to law and energetically protest against such order of expulsion. He requests my assistance in securing legal treatment for his countrymen and, as I am convinced in the case of these two men, request authority from the Department to make strong representations against arbitrary expulsion of these two as well as all other foreigners in the future.

CANADA.

File No. 312.52/517.

The Secretary of State to Consul Canada.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 11, 1915.

Your February 8. If expulsion Spaniards or other foreigners apparently without good cause make informal protest, adding that persons ordered to leave should be informed of reason and given time to arrange personal affairs.

BRYAN.

File No. 312.52/539.

Consul Canada to the Secretary of State.[94]

No. 1137.] AMERICAN CONSULATE,
Vera Cruz, February 15, 1915.

SIR: I have the honor to supplement my despatch No. 1119 of January 28, 1915, and to transmit enclosed herewith a reply of the Constitutionalist Foreign Office quoting a communication from the Governor of the State of Tlaxcala in regard to the treatment of foreigners in that State.

I have [etc.]

WM. W. CANADA.

[Inclosure—Translation.]

The Acting Secretary of Foreign Relations to Consul Canada.

No. 299.] VERACRUZ, *February 6, 1915.*

Mr. CONSUL: On this date there has been received in this Department a despatch from the Governor and Military Commander of the State of Tlaxcala, General Máximo Rojas, which is as follows:

> In answer to your note of January 26th last, I beg to inform you that no foreign subjects have been molested and certainly no attempts made to take their lives, since the Government of Tlaxcala takes especial care to respect the lives and properties of everybody, in order not to create difficulties for the Central Government of the Nation. Which I have the honor of communicating to you [etc.]

Which I communicate to you in answer to your note No. 300 dated the 24th of January last, reiterating assurances of my consideration.

M. DÁVALOS.

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[94] Communicated to the Spanish Ambassador March 6, 1915.

File No. 812.52/564.

Consul Canada to the Secretary of State.[95]

No. 1167.] AMERICAN CONSULATE,
Vera Cruz, March 8, 1915.

SIR: I have the honor to refer to the Department's December 18, 1913,[96] and to transmit enclosed herewith two replies of the Constitutionalist Foreign Office to a note in which this Consulate stated it would be grateful for any action that the Constitutionalist Government might see fit to take in order to offer guaranties to merchandise stored, while enroute to Puebla, in the house of Sr. Victoriano García, a Spanish subject, and reported as being disposed of by General Alvarado. The Spanish Minister in Mexico City had instructed the Spanish Consul at this port to request the cooperation of this Consulate in the matter.

I have [etc.]

WM. W. CANADA.

[Inclosure 1—Translation.]

The Acting Secretary of Foreign Relations to Consul Canada.

No. 110.] VERACRUZ, *January 4, 1915.*

MR. CONSUL: Answering your note dated December 31 last, I have the honor to inform you that (requesting that you so inform the Spanish Consul in this port) this Department is willing to attend to his claim and he can present himself whenever he chooses, to the end that he give us all the data covering the Spanish merchandise stored in the house of Mr. Victoriano García, so that, with this information, proper orders can be given. Moreover, the Spanish Consul here well knows that all his claims, as well as those of other consuls, have been handled immediately and the proper remedies supplied.

I avail [etc.]

M. DÁVALOS.

[Inclosure 2—Translation.]

No. 154.] VERACRUZ, *January 11, 1915.*

MR. CONSUL: Answering your note dated the 8th instant, relative to the representation of Victoria García, I respectfully advise you that, upon requesting the cooperation of the Spanish Consul, it was simply in order that he, being in close contact with his countrymen, might furnish us all data relative to the case in order more readily to handle the case; but this Department is aware that all claims made in Washington upon the petition of diplomatic representatives of other nations should be, and have been, so far, handled without any difficulty.

I am [etc.]

M. DÁVALOS.

File No. 812.00/14761.

Consul Bevan to the Secretary of State.

[Extract.]

No. 1398.] AMERICAN CONSULATE,
Tampico, March 24, 1915.

SIR: I have the honor to advise the Department that * * * without the slightest warning the local chief of arms, General Fran-

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[95] Communicated to the Spanish Ambassador April 3, 1915.
[96] For. Rel. 1913, p. 908.

cisco Gonzalez, ordered all the dry goods merchants to appear before him and fined them each 1,000 pesos for selling goods at high prices. A number of Spaniards paid the fine under protest and closed their places of business immediately; and a few continued to do business, decreasing their prices. The only American among them was the manager of the Regal Shoe Store, who refused to pay the fine. He placed the whole matter in my hands, after having closed his place of business. The matter was referred by this office to the General, who has not yet answered my communication.

A delegation of Spanish merchants called on this office to know if the seal of said office could be placed on their doors in case of an attempt on the part of the commissary department of the Mexican army to commandeer their supplies without payment. I advised them I could not give them any positive answer, but would have to refer the case to my Government for instructions in case of such an event. The military authorities recently purchased a large bill of goods amounting to several thousand pesos from one of the Spanish firms, and gave the firm in payment an order on the military treasurer, which could not be cashed. It is for this reason that the Spaniards are unwilling to sell goods under those conditions, as they have little chance of even getting their money for them.

* * *

I have [etc.]

THOMAS H. BEVAN.

File No. 312.52/595.

The Secretary of State to Consul Bevan.

No. 797.] DEPARTMENT OF STATE,
Washington, April 20, 1915.

SIR: The Department has received your despatch No. 1398 of March 24, 1915, with regard to the political conditions in your consular district.

With respect to the statements relative to the request of Spanish merchants that the seal of the American Consulate be placed on their doors in a certain contingency, you are informed that the Department does not desire that such action be taken and understands that there is a Spanish consular representative in Tampico.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 701.5212/48a.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 20, 1915.

We are informed by the Spanish Ambassador that Carranza has made objection to a special representative being sent into northern Mexico to intercede with Villa for the protection of Spaniards in the territory under Villa's control. Please say to General Carranza that

such objection is, in our judgment, very unjust. He cannot fairly complain of Spain for trying to secure through de facto authorities protection for Spanish subjects in those parts of Mexico over which Carranza exercises no authority and in which he can give no protection. We have been compelled to follow the same course and a failure to do so would have resulted in most serious consequences. We feel sure that General Carranza will, on reflection, see the justice of the position taken by Spain in this instance. Please present this matter to him as urgently as possible.

BRYAN.

File No. 701.5212/49.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *May 21, 1915.*

Department's May 20. Yesterday Madrid informed representative here as follows respecting envoy to Villa: "Zapico does not carry with him appointment as confidential agent."

Carranza government appears content with this and mission of representative here will not be prejudiced.

SILLIMAN.

File No. 312.52/622.

Consul Alger to the Secretary of State.

No. 617.] AMERICAN CONSULATE,
Mazatlan, May 22, 1915.

SIR: I have the honor to enclose translation of a decree issued by the municipality of Mazatlan on May 19. I have made protest against the carrying out of this decree, copy of the same enclosed, and submit my action to the Department for approval or otherwise.

I have [etc.]

WM. E. ALGER.

[Inclosure 1—Translation—Extract.]

Report of the special committee of the Municipal Council.

Honorable Colleagues: The undersigned, commissioned to pronounce upon the proposed decree relating to the expropriation of the Empresa de Agua of this city which was presented to you in compliance with the resolution of this Council of the 8th of February, now render our report:

* * * If we are bound by the Constitution, only two roads are open: a private transaction amicably arranged, or payment in advance. The first has not been attempted by this committee since it lacked authorization; the second we shall not attempt since we lack money.

We must renounce all legalistic scruples; we do not need to observe the law in order to act lawfully. If we know that our actions rest upon the purest foundation of justice, why trouble about a puritanism of form? The end justifies the means.

To argue about the constitutionality of the measure we propose to execute is to lose time in useless discussions, once we consider that this Municipal Council emanates from the Revolution and not from the Law, because we have put aside the Law in order to correct the vices which are precisely the cause

of the Revolution. * * * Let us say with Madero: Perish the Constitution so the people may be saved. And let us adopt this resolution:

Art. 1. We decree, on the ground of public utility, the expropriation of the Empresa de Agua, S. A., of this city, its pumping-plant at Pena Hueca, its pipe-lines, installations, and all other properties of said Empresa.

Art. 2. Let the expropriation be effected immediately, for which purpose [etc.]

Art. 3. The rights of the expropriated company remain safeguarded, in order that upon the reestablishment of the courts of law they may make them valid.

Art. 4. Let the decree be issued.

SANTIAGO D. RODRÍGUEZ.
RUPERTO GÓMEZ.
MANUEL MORA.

MAZATLAN, *May 12, 1915.*

[Inclosure 2.]

Consul Alger to the Acting Governor of Sinaloa.

AMERICAN CONSULATE,
Mazatlan, May 22, 1915.

I, W. E. Alger, Consul of the United States of America at Mazatlan, Sinaloa, as the representative of American interests in the State of Sinaloa, and in behalf of the American owners of shares in the "Empresa de Agua" of Mazatlan, hereby formally and solemnly protest against the carrying out of the decree of the Municipality of Mazatlan, expropriating the "Empresa de Agua" of their property—a decree the authors of which declare to be illegal and contrary to the Constitution of the Republic of Mexico.

Respectfully,

W. E. ALGER.

File No. 312.52 611.

Consul Alger to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Mazatlan, May 25, 1915.

Water works confiscated May 24. Behalf American shareholders made protest against illegal and unconstitutional proceedings. Protest disregarded. Electric Company will be confiscated near future. Will again protest.

ALGER.

File No. 312.52/607.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 29, 1915.

Department informed Mazatlan authorities have decreed expropriation Water Supply Company, Mazatlan. At request Spanish Embassy, please confer with Spanish Confidential Agent and exercise best efforts have this property protected against unwarranted molestation.

BRYAN.

File No. 312.52/612.

The Spanish Ambassador to the Secretary of State.

SPANISH EMBASSY,
Washington, June 6, 1915.

MY DEAR MR. SECRETARY: Referring to the subject of the protection of the Water Supply Company at Mazatlan, on behalf of which you have already had the kindness to interpose your good offices with General Carranza, I beg to quote the text of a telegram I have received to-day from the Spanish Consular Agent at Mazatlan, which reads as follows:

JUNE 4.

May 24 waterworks were expropriated, using force and without lawful requisites. Financial situation of Ayuntamiento is such that expropriation really means despoliation. On behalf of Spanish shareholders and bondholders I made protest together with English and American Consuls to the State Governor, who ordered suspension of decree. However, the company was despoiled of its property, its office being occupied by force and has not been restored yet.

I should esteem it a great favor if you would renew your representations to General Carranza in order to obtain the restoration of this property to its rightful owners.

Believe me [etc.]

JUAN RIAÑO.

File No. 312.52/611.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 7, 1915.

Consul, Mazatlan, reports Mazatlan Water Works confiscated May 24. Reported Electric Company will be confiscated near future. Americans interested these companies. Make vigorous protest to General Carranza against confiscation these properties and request him order restoration water works.

W. J. BRYAN.

File No. 312.52/617.

The Spanish Ambassador to the Secretary of State.

SPANISH EMBASSY,
Washington, June 8, 1915.

MY DEAR MR. SECRETARY: With further reference to the subject of the confiscation of the water works of Mazatlan I beg to quote the text of a telegram which I have received to-day:

Ayuntamiento executed seizure water supply decree June 6, in spite order from Governor to suspend and protest of British American and Spanish representatives. Manager refused to give possession. However, they are occupying office and taking inventory, without intervention of company's representatives. As the possessions of the company in the hands of those people, though for a short time, will be the ruin and destruction of the company, I beg your excellency for your valuable effort in order to avoid this offense as soon as possible.

Believe me [etc.]

JUAN RIAÑO.

File No. 312.52/617.

The Secretary of State ad interim to the Spanish Ambassador.

DEPARTMENT OF STATE,
Washington, June 9, 1915.

MY DEAR MR. AMBASSADOR: I beg to acknowledge the receipt of your note of June 8, 1915, relative to the confiscation of the Mazatlan Water Supply Company at Mazatlan, Mexico.

In reply I desire to inform you that the Department has just been informed, through the Navy Department, that the Governor of the State of Sinaloa desires to return the Water Supply Company to the owners thereof, but that he is opposed by political factions. Additional information received through the same source indicates that it is probable that this property will be restored to the owners shortly.

I am [etc.]

ROBERT LANSING.

File No. 312.52/636.

Consul Alger to the Secretary of State.

No. 637.] AMERICAN CONSULATE,
Mazatlan, June 28, 1915.

SIR: I have the honor to advise that on June 26 the Municipality decreed the return of the water works to the Water Company, this as a result of continuous efforts on the part of this Consulate with the Governor of the State who, becoming convinced of the illegality of the act, compelled the municipality to revoke their action.

This will probably put a stop to further expropriation of property in which foreign capital is invested.

I have [etc.]

WM. E. ALGER.

File No. 312.52/622.

The Acting Secretary of State to Consul Alger.

No. 290.] DEPARTMENT OF STATE,
Washington, June 29, 1915.

SIR: The Department has received your despatch No. 617 of May 22, 1915, in regard to the protest made by you against the expropriation of the water plant at Mazatlan.

The Department approves the course pursued by you in this matter.

I am [etc.]

For the Acting Secretary of State:
WILBUR J. CARR.

File No. 312.52/629.

Consul Garrett to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nuevo Laredo, July 2, 1915.

By order of General Luis Caballero, military governor of Tamaulipas, 19,300 pesos, Villista currency, was taken from José Pereda, a

Spanish merchant of Monterey, by military authorities here to-day. Department can take such action as they deem appropriate.

GARRETT.

File No. 312.52/628.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 6, 1915.

Department views with much satisfaction return Mazatlan water works to owners; so inform Carranza.

It is hoped representations being made on other matters will meet with equal success.

LANSING.

File No. 312.52/629.

The Secretary of State to Consul Garrett.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 9, 1915.

Your July 2. Unless requested by the Spanish Embassy in this city to take action regarding the reported theft from José Pereda, the Department would not be justified in taking such action.

LANSING.

File No. 312.52/636.

The Secretary of State to Consul Alger.

DEPARTMENT OF STATE,
Washington, July 24, 1915.

SIR: The Department has received your despatch No. 637 of June 28, 1915, relative to the return to the owners by the local authorities of the Water Works of Mazatlan.

The Department commends you for your efforts in the protection of the interests involved in the ownership of these Water Works.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 701.5212/52a.

The Acting Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 10, 1915.

Please telegraph for Spanish Ambassador any news you have of Señor Zapico, confidential agent of Spain, of whom nothing has been heard for a month. [97]

OSBORNE.

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[97] See telegrams of May 20 and 21, p. 1039.

File No. 701.5212/52.

Special Agent Carothers to the Secretary of State.

[Telegram.]

EL PASO, *August 11, 1915.*

Señor Zapico is here, having arrived on the 9th from Chihuahua.

CAROTHERS.

File No. 312.52/656.

The Spanish Ambassador to the Secretary of State.

[Telegram.]

NEWPORT, *August 12, 1915.*

Minister of Foreign Affairs Madrid telegraphs me instructing me in view of alarming situation created Vera Cruz by attitude municipal authorities against foreigners, and Spaniards especially, to appeal to you that instructions be given to commanders of American vessels in Mexican waters to give refuge in their ships to Spaniards in case of necessity.

JUAN RIAÑO.

File No. 312.52/656.

The Secretary of State to the Spanish Ambassador.

DEPARTMENT OF STATE,
Washington, August 19, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your telegram of the 12th instant in which you ask [etc.]

I have the honor to say in reply that the Department has communicated a copy of your telegram to the Secretary of the Navy, and asked him to have the instructions desired by you given by wire to the commanders of American vessels in Mexican waters.

Accept [etc.]

ROBERT LANSING.

File No. 312.52/673.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 2, 1915.

Request restoration of property of Felipe Muriedos, San Luis Potosi, a Spanish subject, and protection against further molestation.

LANSING.

File No. 312.52/674.

The Spanish Ambassador to the Secretary of State.

[Telegram.]

NEWPORT, R. I., *October 6, 1915.*

Am advised that buildings and furniture of Teresian and Jesus Maria Colleges in Yucatan, Mexico, the property of Spanish sub-

jects, have been confiscated. I request you earnestly to interpose your influence to obtain restoration of property.

JUAN RIAÑO.

File No. 312.52/674.

The Secretary of State to the Spanish Ambassador.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 8, 1915.

Your telegram October 6. Appropriate instructions have been sent Department's representative at Vera Cruz regarding restoration property of Teresian and Jesus Maria Colleges in Yucatan.

ROBERT LANSING.

File No. 512.52/674.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 8, 1915.

Reported buildings and furniture of Teresian and Jesus Maria Colleges in Yucatan have been confiscated.

At request Spanish Embassy, ask General Carranza order restoration this property.

LANSING.

File No. 312.52/676.

Consul Bonney to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
San Luis Potosi, October 8, 1915.

Please to request General Carranza, Vera Cruz, to instruct his General M. Zapata in Tula, Tamaulipas, to respect all property there belonging to Spanish Vice Consul of San Luis Potosí consisting of hides, ixtle and plantation, now threatened by that General.

BONNEY.

File No. 312.52/702.

Special Agent Belt to the Secretary of State.

[Telegram.]

TAMPICO, *October 13, 1915.*

Department's October 2, property Felipe Muriedos, San Luis Potosí. Foreign Office requests this case and future cases involving Spanish subjects or interests be handled through Spanish representative who is fully accredited before Constitutionalist Government.

JOHN W. BELT.

File No. 312.52/676.

The Secretary of State to Special Agent Belt.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 16, 1915.

Consul Bonney requests that General M. Zapata at Tula, Tamaulipas, be instructed to respect all property there belonging to Spanish Vice Consul at San Luis Potosí consisting of hides(ixtle and plantation, now threatened by General Zapata.

Make appropriate representations.

LANSING.

File No. 312.115/226.

The Secretary of State to Consul Alger.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 19, 1915.

At request Spanish Embassy, ask General Diéguez to withdraw forced loan 100,000 pesos imposed on Bank of Mazatlan, majority of stock of which said to be owned by Spaniards.

LANSING.

File No. 312.52/681.

Special Agent Belt to the Secretary of State.

[Telegrams.]

TORREON, *October 21, 1915.*

Department's October 16. Concerning property Spanish Vice Consul San Luis Potosí, see my October 13. Foreign Secretary this morning stated that all cases pertaining to Spanish subjects should be dealt with direct through either Spanish consul or accredited Spanish representative with this Government. The Government here desires direct representation from accredited representatives of foreign Governments in the interests of their nationals. Heretofore the United States has made many of these representations at request of foreign governments.

JOHN W. BELT.

File No. 312.52/682.

TORREON, *October 21, 1915.*

Department's October 8. See my October 13 and October 21. This Government desires to deal directly with representatives of foreign governments accredited to this Government. Will Department inform me what further action is desired relative to these representations on behalf of Spanish and other foreign interests?

JOHN W. BELT.

File No. 312.52/681.

The Secretary of State to Consul Bonney.

[Telegram.]

DEPARTMENT OF STATE,
Washington, October 23, 1915.

Your October 8. Foreign Secretary of de facto government requests representations regarding Spanish interests be made directly by accredited Spanish representatives in Mexico.

LANSING.

File No. 312.52/682.

The Secretary of State to the Spanish Ambassador.[98]

DEPARTMENT OF STATE,
Washington, October 23, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence in regard to the protection of Spanish property in Mexico, I beg to inform you that the Department is in receipt of two telegrams from the Department's representative at Torreon, in reply to instructions given him at your request and at the request of the Spanish Vice Consul at San Luis Potosí, in which the representative states that the de facto Government of Mexico has informed him that it desires to deal directly with the accredited Spanish representatives concerning Spanish interests.

I am [etc.]

ROBERT LANSING.

File No. 312.115/228.

Consul Alger to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Mazatlan, [undated; received November 5, 1915.]

Your instructions [October 19] regarding forced loan Banco Occidental carried out. Action suspended pending proof nationality shareholders, and if same proven, loan will be cancelled. Have thanked General Diéguez.

ALGER.

File No. 012/3749.

Consular Agent Glenn to the Secretary of State.

[Extract.]

GUANAJUATO, *November 16, 1915.*

SIR: I would thank you to kindly advise me your wishes as regards Spanish religious institutions and Spaniards in general. There is no Spanish Consul in this State and I have had very many requests

[98] The same, mutatis mutandis, to the French, Italian, German and British Ambassadors.

from Spaniards for assistance, they claiming that in Guadalajara and other parts they are under the protection of the American flag.

Awaiting [etc.]

JOHN B. GLENN.

File No. 312.52/693.

The Secretary of State to Consular Agent Glenn.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 6, 1915.

In absence Spanish Consul, you may exercise informal good offices with local officials behalf Spanish subjects. You should advise them, however, to appeal to agents of their government in Mexico, as Carranza Government requires representations behalf Spaniards be made by authorized agents of Spain.

LANSING.

File No. 312.52/686.

The Secretary of State to the Spanish Ambassador.[99]

DEPARTMENT OF STATE,
Washington, December 13, 1915.

MY DEAR MR. AMBASSADOR: Referring to your call at the Department on the morning of November 24th last, when you stated that Spanish subjects were largely interested in the Banco Oriental, which was reported to have been closed by the Mexican authorities in Mexico City, and that a considerable amount of the stock of this bank is held by the American Tropical Development Company, I desire to state that the Department's representative at Mexico City, Mr. Charles B. Parker, telegraphed under date of December 2 that all banks of issue in Mexico would be required to have by December 10 a metallic currency equal to one-half of the amount of their paper issue, and that such banks of issue as are unable to meet that requirement would lose their concessions and be forced into liquidation.

As the Department's representative states that there is practically no American capital invested in the banks mentioned, I am of the opinion that representations through Mr. Parker in behalf of the banks would not be acceptable to the de facto Government of Mexico. Moreover, the de facto Government recently informed the Department of State that representations on behalf of foreign interests should be made by the appropriate diplomatic representatives of the countries whose citizens or subjects are concerned, and not by the representative of this Government.

I am [etc.]

ROBERT LANSING.

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[99] Letters in the same sense were sent on the same date to the British and French Ambassadors. See For. Rel. 1914, p. 884.

File No. 312.52/688.

Vice Consul Lux to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Vera Cruz, December 22, 1915.

Spanish Consul Vera Cruz in a communication to-day requests transmit his petition for admission four Spaniards American war vessel until first steamer Havana to avoid arrest and arbitrary prosecution [omission] attempted seizure of hotel property here. Consul desires assume the responsibility in handling matter with authorities and establish precedent regarding seizure of property.

LUX.

File No. 312.52/688.

The Secretary of State to Vice Consul Lux.

[Telegram.]

DEPARTMENT OF STATE,
Washington, December 28, 1915.

Your December 22. This Government is not disposed to extend refuge to foreigners on American war vessels except in cases of extreme emergency. The cases mentioned by you do not appear to be of this nature.

LANSING.

EXPULSION OF THE SPANISH MINISTER FROM MEXICO; GOOD OFFICES OF THE UNITED STATES.

File No. 701.5212/4.

The Spanish Ambassador to the Secretary of State.

SPANISH EMBASSY,
Washington, February 3, 1915.

MY DEAR MR. SECRETARY. Confirming the conversation I had with you this morning over the telephone, I beg to inform you that according to a telegram which I have received from the Spanish Minister in Mexico, dated today, the arrest of Angel Caso, a Spanish subject and Confidential Agent of the Spanish Government to General Villa, was attempted yesterday evening at Mexico City, under instructions from General Obregon, who has assumed command of the capital.

The gravest fears are entertained by the Spanish Minister in Mexico for the life of Sr. Caso, and he asks me to appeal to your good offices in order to obtain from General Carranza the necessary guaranties for the protection of the person, family, house and property of Sr. Angel Caso.

I beg to recommend this request personally to your earnest consideration, in the hope that you will do everything in your power to secure the protection of this Spanish subject, whose life appears to be in extreme danger.

Believe [etc.]

JUAN RIAÑO.

File No. 701.5212/1a.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 3, 1915.

431. Department informed by Spanish Embassy here that Angel Caso, Special Representative of Spanish Government near General Villa, now in Mexico City, threatened with arrest by Carranza forces.

Please confer with appropriate authorities and point out to them the serious consequences that may result from the arrest of a diplomatic officer of a foreign government and strenuously protest against such action. Mr. Silliman may be of service in matter in view of his friendly relations with General Carranza.

BRYAN.

File No. 701.5212/2a.

The Acting Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 4, 1915.

436. Department informed by Spanish Ambassador that Obregon has informed Spanish Minister in Mexico that unless he produce and deliver Angel de Caso, who is in seclusion in Spanish Legation, within twenty-eight hours he will take Spanish Minister to Vera Cruz and deport him.

Please lose no time in exercising your good offices and impress upon Obregon the dangerous consequences of such an act. At same time urge him take no summary action regarding de Caso. Keep Department advised concerning this situation.

LANSING.

File No. 701.5212/3.

Special Agent Silliman to the Secretary of State.

[Telegram—Extract.]

MEXICO CITY, *February 4, 1915.*

Acting upon the suggestion of the Secretary of State to the Brazilian Minister, I have telegraphed Carranza in behalf of Angel Caso. The result is very doubtful because the instruction to Obregon, which the Spanish Minister considers exceedingly offensive and even threat, came from Carranza himself by telegraph. The man in a confidential conversation with me three weeks ago voluntarily made very favorable expressions regarding Carranza. He is thought to be in the Spanish Legation but is not there and may escape arrest.

SILLIMAN.

File No. 701.5212/6.

The Brazilian Minister to Mexico to the Secretary of State.

[Telegrams.]

BRAZILIAN LEGATION,
Mexico City, February 6, 1915.

312. Your 436, February 4. As far as I was informed by the Spanish Minister, he received an intimation from Carranza transmitted by Obregon, to surrender the person within 24 hours.

Spanish Minister protested in truth that the person mentioned was not concealed in his Legation and so far nothing has happened. Spanish Minister has further informed me that he has personally received no threat of deportation. Under the circumstances everything possible to help matters, including Silliman who has interposed his good offices to that effect.

C. DE OLIVEIRA.

File No. 701.5212/10.

BRAZILIAN LEGATION,
Mexico City, February 9, 1915.

321. Spanish Minister has informed me and other colleagues that he received this evening a telegraphic communication from Carranza intimating to him to leave the country within 24 hours to be counted from midnight of tomorrow. He will leave Mexico City February 11, for Vera Cruz, the only road now open. As the time is too short and he will arrive at Vera Cruz too late to find means of leaving the country within specified time, and so run risk of getting in trouble, it was thought you may arrange that an officer of the American man-of-war there could be ordered meet him at the station and take him immediately on board the American boat, where he could await first opportunity to leave.

CARDOSO DE OLIVEIRA.

File No. 701.5212/11.

Special Agent Silliman to the Secretary of State.

[Telegram.]

MEXICO CITY, *February 10, 1915.*

Referring to the peremptory and most offensive order received by the Spanish Minister from the First Chief last night to leave the country within 24 hours beginning at midnight tonight. The Minister is charged with aiding, and harboring in the Legation, Caso who is wanted for punishment on a political accusation; also with disobeying the order demanding that the Legation be searched. The Minister positively denies both charges. On February 4, complying with Department's February 3 to the Brazilian Minister, I sent the following telegram to Carranza:

It is suggested by Secretary Bryan that I may be of some service in connection with the proposed arrest of Mr. Angel Caso, Confidential Agent of the Spanish Legation. The Department hopes, in view of his connection with the legation of a foreign government, that the arrest will not be made. In personal

conversation with me about three weeks ago, this gentleman expressed the most favorable opinion of you. I sincerely trust that the accusation against him is of such a nature that some intimation may be made to him in regard to it instead of placing him under arrest. I understand that General Obregon, presuming him to be at the Spanish Legation, has given the legation until 6 p. m. this afternoon to deliver him. My understanding is that he is not at the legation.

I also on the same day telegraphed my personal sympathy on the death of his brother and two nephews. The personal message received prompt reply, the other remains unanswered.

SILLIMAN.

File No. 701.5212/10.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 11, 1915.

453. Your 321, February 9, has been repeated to Consul, Vera Cruz, and copied to Brazilian Ambassador.

While the Spanish Minister has already departed from Mexico City, you are requested to take immediate action in his behalf if his trip is interrupted or if he is otherwise molested. Appropriate instructions have been sent to Consul Canada and the Navy Department has sent instructions to Commander at Vera Cruz to meet the train and take Spanish Minister to American ship.

W. J. BRYAN.

File No. 701.5212/10.

The Secretary of State to Consul Canada.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 11, 1915.

Following telegram, dated February 9, received today from Brazilian Minister in Mexico:

Spanish Minister has informed me and other colleagues that he received this evening a telegraphic communication from Carranza intimating to him to leave the country within twenty-four hours to be counted from midnight of to-morrow. He will leave Mexico City February 11 for Vera Cruz, the only road now open. As the time is too short and he will arrive at Vera Cruz too late to find means of leaving the country within specified time, and so run risk of getting into trouble, it was thought you may arrange that an officer of the American man-of-war there could be ordered to meet him at the station and take him immediately on board the American boat, where he could await first opportunity to leave.

You will communicate above to American Commander. Carranza's representatives here are wiring Carranza to furnish full protection to Spanish Minister en route, but as a matter of precaution you will take matter up at once with Carranza and ask for proper protection. Navy Department has given necessary instructions to Commander of vessel.

BRYAN.

File No. 701.5212/12.

Special Agent Silliman to the Secretary of State.

[Telegram.]

MEXICO CITY, *February 11, 1915.*

Spanish Minister left this morning for Vera Cruz. Should arrive approximately 9 o'clock p. m. I understand the motives influencing the Diplomatic Corps in making representation to their various Governments are: the unfriendly attitude of the Carranza Government; the futility of representations to any government; the general prevailing condition approaching anarchy; and the possibility of the complete isolation of the city. The first reason does not appear as entirely sufficient because the Constitutionalists' occupation here seems indifferent to them and [omission?] for other reasons the other governments have given due consideration to the diplomatists though scarcely anything has been obtained in response to representations. If the diplomatists do decide to leave, could the Department devise some plan for me to remain as an observer only, making reports by code if permitted to use it?

SILLIMAN.

File No. 701.5212/13.

Consul Canada to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Vera Cruz, February 11, 1915.

Department's February 11 received too late to notify Commander of battleship. However, on receipt telegram from Brazilian Minister early afternoon secured assurances authorities to accord decent treatment Spanish Minister. He arrived safely 10.40 tonight, immediately went on board Spanish transatlantic steamer which sails 16th. If necessary, refuge on board American battleship will be arranged.

CANADA.

File No. 701.5212/19.

The Spanish Ambassador to the Secretary of State.

[Translation.]

SPANISH EMBASSY,
Washington, February 13, 1915.

MR. SECRETARY: I take special pleasure in performing the mission intrusted to me by the Minister of Spain at Mexico in the telegram which he was enabled to send me owing to the courtesy of the Commander of the *Delaware* and which your excellency had the kindness to transmit to me.

I am glad to voice the sentiments of my colleague in expressing to your excellency his heartfelt gratitude for the hospitality and special kindnesses which were shown him by Captain Rodgers and the officers of said vessel.

I reiterate [etc.]

JUAN RIAÑO.

File No. 701.5212/27a.

The Secretary of State to the Brazilian Minister to Mexico.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 16, 1915.

461. Please ask Silliman immediately on arrival in Vera Cruz to present to Carranza a request for reconsideration of the order expelling the Spanish Minister. We are assured that Carranza was mistaken in charging the Spanish Minister with harboring or giving refuge to Caso, Spain's special representative to Villa. Ask Silliman to say to Carranza that the expulsion of the Spanish Minister has caused great irritation owing to the feeling that injustice has been done both to the Spanish Government and the Spanish Minister and that the return of the Minister would very much relieve the situation.

Silliman can assure Carranza of this Government's friendly desire to render any service in maintaining good relations between Carranza and the foreigners and foreign representatives living in the territory over which he exercises authority.

BRYAN.

File No. 701.5212/29.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *February 23, 1915.*

Department's February 16 to Brazilian Minister. As the matter is delicate, difficult and complicated am presuming that Department will permit discretion as to opportune moment for presentation. Had a most friendly conference on this and other matters with Cabrera, Zubaran and Urrueta this afternoon. They heartily assured me of their earnest desire to help and facilitate my representations to the First Chief. They express their thorough appreciation of the Department's friendly expression in the last clause of its February 16. Informally we went fully into the matter of the Department's instruction. They wish me to await further information desired by them from Mexico before reply of First Chief can be prepared.

SILLIMAN.

File No. 701.5212/32.

The Spanish Ambassador to the Secretary of State.

[Telegram.]

SPANISH EMBASSY,
Washington, February 25, 1915.

MY DEAR MR. SECRETARY: In the note which I addressed to you on February 6 last, on the subject of the attempt to arrest Sr. Angel del Caso by order of General Carranza, I stated inadvertently that Sr. del Caso was the Confidential Agent of the Spanish Government to

General Villa; but I have subsequently been informed by my colleague the Spanish Minister to Mexico, that Sr. del Caso's appointment of Confidential Agent of the Spanish Government was to the President elected by the Convention of Aguascalientes.

Please take note of this information and believe me [etc.]

JUAN RIAÑO.

File No. 701.5212/33.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 2, 1915.*

Department's February 16 to Brazilian Minister; my February 23. Formal reply to my representation is still delayed but Secretary of Gobernacion and Secretary of Foreign Relations both informed me personally to-day that the expulsion of the Spanish Minister could not be reconsidered.

SILLIMAN.

File No. 701.5212/33.

The Secretary of State to the Spanish Ambassador.

DEPARTMENT OF STATE,
Washington, March 3, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence in regard to the expulsion from Mexico of the Spanish Minister at Mexico City, I beg to inform you that the Department is in receipt of a telegram from Mr. John R. Silliman, dated at Vera Cruz, March 2, stating that a formal reply to his representations has not yet been received, but that both the Secretary of Gobernacion and the Secretary of Foreign Relations have informed Mr. Silliman personally that the case of the Spanish Minister could not be reconsidered.

I am [etc.]

W. J. BRYAN.

File No. 701.5212/36.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 3, 1915.*

In a personal interview this morning, First Chief fully confirmed the information conveyed in my March 2. The decision, however, does not affect in any way the personnel of the Legation, excepting the Minister. As the Minister had never presented his credentials and the First Secretary was discharging the official duties, it would appear that he is at perfect liberty to continue to do so. The Legation staff left of their own accord. There would be no objection whatever to their return if they so desired.

SILLIMAN.

File No. 701.5212/38.

Ambassador Willard to the Secretary of State.

[Telegrams.]

AMERICAN EMBASSY,
Madrid, March 13, 1915.

56. Señor Azcona, Carranza's diplomatic representative here, has just presented to Minister of State an explanation of Caso incident and I am informed that the Spanish Government has accepted same and, as therein suggested, will send to Mexico confidential agent.

WILLARD.

File No. 701.5212/39.

AMERICAN EMBASSY,
Madrid, March 15, 1915.

57. Embassy's 56, March 13. Copy of Azcona letter just received from Minister of State who says that in view thereof, Caso incident may be considered closed.

WILLARD.

File No. 701.5212/40.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *March 17, 1915.*

Department's February 16; my March 3. Although Department has made no rejoinder, the Foreign Office transmits today text of cable from its confidential agent at Madrid:

The Spanish Government has accepted the explanations of the Constitutionalist Government in the matter of the expulsion of Mr. Caso. In consequence the incident is closed. I congratulate the Chief.

Secretary of Foreign Relations closes his communication with the hope that:

Inasmuch as the Spanish Government has accepted the explanations given by this Foreign Office and considers the incident closed, the Department of State at Washington will not insist upon the reconsideration of the matter, which has been happily settled in a friendly manner by Mexico and Spain.

SILLIMAN.

PROTECTION OF FRENCH INTERESTS.[1]

File No. 312.51/103.

The Secretary of State to Vice Consul Stadden.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 9, 1915.

At request French Ambassador use good offices to secure release steamer *Korrigan II* reported captured at Manzanillo said to belong to French Boleo Company.

BRYAN.

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[1] Continued from For. Rel. 1914, p. 867.

File No. 812.00/14234.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, January 16, 1915.

SIR: I have the honor to forward herewith, for your information, copies of telegrams received by this Department relative to conditions in Mexico.

Sincerely yours,

JOSEPHUS DANIELS.

[Inclosure—Extract.]

Admiral Howard to the Secretary of the Navy.

U. S. S. "SAN DIEGO," *January 15, 1915.*

The Commander-in-chief of the Pacific Fleet has received a report from the Acting American Consul at Mazatlan with regard to Mexican steamer *Korrigan II*, belonging to French Boleo Company, as follows:

General Iturbide states that the Government has detained the steamer because of need of her services. Steamer will probably be called to Mazatlan from Topolobampo, where she now is, and the General gives assurances that the steamer will be returned when her services are no longer needed.

I believe the General is holding the steamer for use in making his escape in case that becomes necessary.

HOWARD.

File No. 312.51/104.

The Secretary of State to the French Ambassador.

No. 1438.] DEPARTMENT OF STATE,
Washington, January 25, 1915.

EXCELLENCY: In regard to the seizure of the French Boleo Company's steamer, *Korrigan II*, in Mexico, I have the honor to inform you that I am advised by the Secretary of the Navy that the Commander in Chief of the Pacific Fleet reported on January 15 that he had received from the American Consulate at Mazatlan a report reading as follows:

General Iturbide states that the Government has detained the steamer because of need of her services. Steamer will probably be called to Mazatlan from Topolobampo, where she now is, and the General gives assurances that the steamer will be returned when her services are no longer needed.

Admiral Howard expressed the opinion that General Iturbide was holding the steamer for use in making his escape from Mexico, in case of need.

Accept [etc.]

W. J. BRYAN.

File No. 312.51/105.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, January 25, 1915.

MR. SECRETARY OF STATE: As I had the honor orally to inform your excellency on May 20 last, my Government had sent to Vera Cruz 500

rifles and a certain amount of cartridges to be used in self-defence by the French Colony in Mexico in case of imminent danger. With your excellency's consent those arms were stored in the Vera Cruz custom house awaiting an opportunity to forward them to destination.

My Government now informs me that it has just heard that the Carranza forces seized the said arms and ammunition and distributed them among themselves.

I should be very thankful to your excellency if you would let me know, in case you are able to do so, whether there is occasion to credit the report.

Be pleased [etc.]

JUSSERAND.

File No. 312.51/108.

Vice-Consul Blocker to the Secretary of State.

[Telegram.]

EAGLE PASS, *January 31, 1915.*

I have refused to certify invoices of coal entered for export to the United States by Constitutionalists authorities because coal was taken from Rio Escondido and Agujita coal mines owned by French and American citizens. The mines were confiscated by Constitutionalists on May 19, 1914. Out of 20.000 shares Rio Escondido, French and American citizens hold more than eighty per cent of stock.

BLOCKER.

File No. 312.51/105.

The Secretary of State to Consul Canada.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 2, 1915.

French Embassy reports rumor authorities Vera Cruz confiscated five hundred rifles and cartridges stored custom house Vera Cruz awaiting shipment French Colony Mexico City. Investigate. Report.

BRYAN.

File No. 312.51/105.

The Acting Secretary of State to the French Ambassador.

No. 1449.] DEPARTMENT OF STATE,
Washington, February 4, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of January 25, 1915, in which you ask the Department to inform you [etc.]

In reply I have the honor to inform your excellency that the Department appears to have no information regarding the reported seizure of the rifles and ammunition mentioned. However, a telegram has been sent to the American Consul at Vera Cruz to report

on the matter, and when his report is received you will be promptly informed.

Accept [etc.]

ROBERT LANSING.

File No. 312.51/111.

Consul Canada to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Vera Cruz, February 8, 1915.

Facts reported Department's February 2 positively corroborated. Arms confiscated notwithstanding promise made to French Consul to return shipment to France.

CANADA.

File No. 812.48/2053.

The Secretary of the Navy to the Secretary of State.

NAVY DEPARTMENT,
Washington, February 8, 1915.

SIR: I have the honor to forward herewith, for your information, a copy of a report received from the Commander in Chief of the Pacific Fleet.

Very sincerely yours,

JOSEPHUS DANIELS.

[Inclosure—Extract.]

Admiral Howard to the Secretary of the Navy.

FLAGSHIP, *January 28, 1915.*

* * * 3. Information has been received by the Commander in Chief that General Iturbide has decided to organize a new steamship company under the Mexican flag, with the steamer *Korrigan II*, the property of the Boleo Company, a French mining company at Santa Rosalia, and the *La Union*, property of the Naviera Steamship Company, as the ships of the company; but the success of this venture is considered doubtful because of the various factions controlling Mexican sea ports. * * *

T. B. HOWARD.

File No. 312.51/111.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, February 11, 1915.

MY DEAR MR. AMBASSADOR: Referring to the Department's note No. 1449, of February 4, 1915, relative to a report that the Carrancista forces at Vera Cruz have seized 500 rifles and a certain quantity of cartridges which were stored in the custom house at Vera Cruz, belonging to the French Government, I beg to inform you that the Department is in receipt of a telegram from the American Consul at Vera Cruz, dated February 8, stating that these munitions of war

have been confiscated, notwithstanding a promise made to the French Consul that the return of the shipment to France would be permitted.

I am [etc.]

W. J. BRYAN.

File No. 312.51/115.

Vice Consul Blocker to the Secretary of State.

[Telegram.]

EAGLE PASS, *February 17, 1915.*

Referring to my telegram January 31, and despatch 1013, I have agreed to certify invoices of coal mined by Constitutionalists at Rio Escondido mines provided coal is consigned general manager of company, who advised consulate this company has entered into agreement with Constitutionalists whereby Constitutionalists will deliver limited amount of coal from company's mines to Rio Escondido Company at Eagle Pass, Texas, in lieu of payment to Constitutionalists a normal sum for same. Have seen agreement between both parties and believe they are acting in good faith as agreement does not affect the company's claim for confiscation of their mines against the Mexican Government.

BLOCKER.

File No. 312.51/108.

The Secretary of State to Vice-Consul Blocker.

No. 285.] DEPARTMENT OF STATE,
Washington, February 18, 1915.

SIR: The Department has received your telegram of January 31, 1915, reporting that you have refused to certify invoices of coal entered for export to the United States by the Constitutionalist authorities for the reason that the coal was taken from the Rio Escondido and Agujita coal mines, owned by French and American citizens.

Your action in the matter is approved by the Department.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.51/116.

Vice Consul Blocker to the Secretary of State.

AMERICAN CONSULATE,
Piedras Negras, February 18, 1915.

SIR: I have the honor to advise the Department that the Consulate has been requested by Mr. L. L. Schofield, General Manager of the Cía. Carbonífera de Río Escondido, to certify invoices of coal consigned by the Constitutionalist Government to his company in Eagle Pass, Texas.

Mr. Schofield advises the Consulate that his company has entered into an agreement with the Constitutionalist Government whereby the Constitutionalists will deliver a limited amount of coal from the

Río Escondido Mines to the Cía. Carbonífera de Río Escondido in Eagle Pass, Texas, in lieu of payment to the Constitutionalists a normal sum for same.

I have agreed to certify the invoices in question provided Mr. L. L. Schofield, in his character as general manager of the said company, signs the invoices. I feel that I will be justified in taking this stand as it will enable the foreign company to get as much coal out of Mexico as possible, which would undoubtedly be burned by the Carrancistas upon the approach of the Villa troops who now are in possession of Monclova.

I have [etc.]

WILLIAM P. BLOCKER.

File No. 312.51/116.

The Secretary of State to Vice Consul Blocker.

No. 286.] DEPARTMENT OF STATE,
Washington, March 11, 1915.

SIR: The Department has received your unnumbered despatch of February 18, 1915, reporting that you have agreed to certify the invoices of coal consigned to the Cía. Carbonífera de Río Escondido by Constitutionalists, providing Mr. L. L. Schofield, in his character as general manager of this company, signs the invoices.

Your action in this matter is approved by the Department.

For the Secretary of State:
[Not signed.]

File No. 312.51/119.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, April 8, 1915.

MY DEAR MR. AMBASSADOR: The following telegram from Admiral Howard, on the west coast of Mexico, dated April 7, 1915, has just been received by the Secretary of the Navy. It is quoted for your information:

Boleo Company, of Santa Rosalia, informs me that Carrancistas are threatening to commandeer *Korrigan III*, a vessel belonging to that company. The *Korrigan II*, belonging to that company, has already been seized. This being the company's last vessel, taking her would practically isolate them. As the *Korrigan III* flies the Mexican flag, am unable to interfere. Recommend French Ambassador be informed.

I am [etc.]

W. J. BRYAN.

File No. 312.51/118.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, April 9, 1915.

MR. SECRETARY OF STATE: The French Boleo Company has just informed me by wire that General Carranza's troops that entered Santa

Rosalía, Lower California, demand that the steamer *Korrigan III* be turned over to them for use in their military operations. The company adds that its boat *Korrigan II*, seized since January by the same faction, has not yet been returned to it and that the company cannot carry on its business without the two boats.

I have, therefore, the honor to apply most urgently for your excellency's good offices and to ask that you kindly use your influence with General Carranza with a view to obtaining that the *Korrigan III* be left at the disposal of the Boleo Company and that the other boat, which was taken from it without any right whatever, be returned to it. As your excellency will admit, these are serious matters likely to be attended with grave consequences.

Be pleased [etc.]

JUSSERAND.

File No. 312.51/121.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, April 12, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence in regard to the seizure of the *Korrigan II*, and the threatened seizure of the *Korrigan III*, which steamers belong to the Boleo Company, of Santa Rosalía, Mexico, I beg to quote, for your information, a telegram from Admiral Howard, dated April 8, addressed to the Secretary of the Navy:

U. S. S. *Denver* arrived Santa Rosalía seven a. m. Thursday. *Guerrero* Santa Rosalía with orders take *Korrigan III* and give *Korrigan II* back to Boleo Company, but awaiting further orders Vera Cruz, Mexico. Ziegmeir arranged for conference on board U. S. S. *Denver*, eleven a. m. Thursday. *Korrigan II* en route Salina Cruz, Mexico, 1260 miles south of Santa Rosalía. Request French Ambassador be informed.

I am [etc.]

W. J. BRYAN.

File No. 312.51/118.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 17, 1915.

At request French Embassy, urge that steamer *Korrigan II*, seized in February by Carrancistas from Boleo Company of Santa Rosalía, Lower California, be returned to company, and that orders be issued to prevent threatened seizure steamer *Korrigan III* from same company. Seizure these two vessels will absolutely isolate French colony at Santa Rosalía. Consult French Consul as to best way handling.

W. J. BRYAN.

File No. 312.51/121.

Special Agent Silliman to the Secretary of State.

[Telegram.]

VERA CRUZ, *April 19, 1915.*

Department's April 17; steamer *Korrigan II*. French Consul has made proper representation and is awaiting reply. Will keep Department advised of progress of case.

SILLIMAN.

File No. 312.51/124.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, May 16, 1915.

MR. SECRETARY OF STATE: Under date of February 11 last your excellency to whom, under instructions of my Government, I had applied for such information as might be in your possession respecting the seizure by Carrancistas of French arms stored in the custom house at Vera Cruz and placed in the custody of the American authorities when landed, informed me that it appeared from a report of the Consul of the United States in that city that the said munitions of war had been confiscated in spite of a promise given to the Consul of France that they would be allowed to go back to France.

My Government, to which I had forwarded the information, informs me that it can not look unconcerned upon the abstraction of arms that belonged to it, had been landed with the assent of the American authorities and were intended to be used for protection in case of dire necessity, of which there is as yet no indication that there will be none.

The Government of the Republic would be very thankful to your excellency if you would, using the influence the Government of the United States enjoys with the Mexican chiefs, present to General Carranza the remonstrance which this unwarranted seizure in violation of promises received calls for and ask that the French arms thus confiscated be returned. In any event and at the very least it would be important to lay where it belongs the responsibility for that grave irregularity.

Be pleased [etc.]

JUSSERAND.

File No. 312.51/124.

The Secretary of State to the French Ambassador.

No. 1491.] DEPARTMENT OF STATE,
Washington, May 27, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of May 16, in regard to the confiscation by Carrancistas of

French arms stored in the custom house at Vera Cruz, in which you request the Department to present to General Carranza a remonstrance against the seizure of these arms and to ask that they be returned.

In reply I have the honor to say that, before taking further action regarding the seizure in question, the Department would be glad to be informed what instructions in the matter have been sent to the French consular representative at Vera Cruz.

Upon receipt of such information, the American representative at that place will be instructed to cooperate with his French colleague in the making of appropriate representations.

Accept [etc.]

W. J. BRYAN.

File No. 312.51/129.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, July 2, 1915.

MY DEAR MR. AMBASSADOR: It affords me pleasure to enclose herewith for your information a copy of a despatch from the American Consul at San Luis Potosí, Mexico, from which I am glad to learn that he was instrumental in obtaining the release of Mr. C. Garcin, a French merchant, who was arrested in that city on June 16, and was liberated on the same day.

I am [etc.]

ROBERT LANSING.

[Inclosure.]

Consul Bonney to the Secretary of State.

AMERICAN CONSULATE,
San Luis Potosí, June 18, 1915.

SIR: I have the honor to report that on June 16, 1915, Mr. C. Garcin, a prominent French merchant of San Luis Potosí, was arrested by the military authorities and it was reported to me he was in great danger.

At the request of the French Vice Consul, Mr. Enrique Reinier, I accompanied him to the car of General Tomas Urbina, and together we secured the release of Mr. Garcin the same day.

I have [etc.]

WILBERT L. BONNEY.

File No. 312.51/130.

The French Ambassador to the Secretary of State.

FRENCH EMBASSY,
Washington, July 7, 1915.

MY DEAR MR. SECRETARY: I beg to acknowledge receipt of your kind note of the 2nd inst. informing me of the release of Mr. C. Garcin, a French merchant who had been arrested at San Luis Potosí.

Will you be so good as to convey the expression of my very sincere thanks to Mr. Bonney for the useful help he kindly lent the French

Consular Agent and which resulted in the liberation of my compatriot.

Believe me [etc.]

JUSSERAND.

File No. 812.00/15462.

Vice Consul Coen to the Secretary of State.

[Extract.]

No. 48.] AMERICAN CONSULATE,
Durango, July 8, 1915.

SIR: I have the honor to report that Mr. Chanel, a French citizen and civil engineer and long a resident of Durango, had been employed to look after and take charge of some properties of Mexican citizens who on account of conditions in the Republic two years ago had to emigrate to the United States. Foreigners generally disapprove of any foreigner attempting to protect or even manage any property strictly Mexican owned, unless the arrangements were made previous to the commencement of revolutionary activity. Therefore there is no particular sympathy with the victim, Mr. Chanel, to whom General Calixto Contreras addressed a very threatening letter, distributed as a handbill here in Durango, in which Mr. Chanel is told he will have his head cut off or be banished, as the General determines.

The significance of the letter is in its general accusation against all foreigners, and the fact that each military officer presumes to exercise complete sovereign authority over persons and property throughout the Republic. So far as known, General Contreras does not hold at present any military or civil position in this State, but is with his troops near Aguascalientes with the army of General Villa, where the letter is dated. However, he assumes to exercise authority in this State over persons and property. * * *

I have [etc.]

HOMER C. COEN.

File No. 312.51/131.

The Acting Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, July 24, 1915.

EXCELLENCY: I have the honor to inform your excellency that the Department deems it proper to advise you that it has received a mail despatch from the American Consul at Durango, in which it is stated that a Mr. Chanel, a French citizen, has had certain threats made against him by General Calixto Contreras. It appears that General Contreras' animosity against Mr. Chanel has been aroused by his taking charge of the properties of certain Mexicans at present residing out of Mexico.

The threats referred to have been contained in a handbill circulated broadcast, and in it the threat is made that if General Contreras receives one more complaint against Mr. Chanel he will have meted out to him banishment or "another penalty more severe."

The Department is informed that General Contreras does not appear to hold, at present, any military or civil position in the State of Durango but is with the troops of General Villa near Aguascalientes. It is stated, however, that General Contreras assumes to exercise control in the State of Durango over persons and property.

In this connection I have the honor to inform your excellency that the Department has information indicating that the foreign element generally in the State of Durango considers it very indiscreet for a foreigner to attempt to protect or even manage any property strictly Mexican owned, unless the arrangements were made previously to the commencement of revolutionary activity.

Accept [etc.]

ALVEY A. ADEE.

File No. 312.51/132.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, July 28, 1915.

MR. SECRETARY OF STATE: Your excellency was pleased to tell me in your letter of the 24th instant, of the dangers besetting a French citizen, Mr. Chanel, at Durango, on account of the ill will borne him by one General Contreras of the Villista party who seems to have conferred powers upon himself in that region. The cause of that ill will and of threat that may even arouse anxiety for Mr. Chanel's very life is that he is said to have taken in charge property owned by Mexicans compelled to flee their native country.

This is considered imprudent and it is indeed possible that it is. Perhaps also it is generous rather than imprudent. At any rate it cannot warrant the attitude assumed toward Mr. Chanel by the improvised authority now existing at Durango. Appealing to the sentiments of humanity and good will which the American Government has evidenced more than once and which have not been brought into play in Mexico alone, I venture to express a wish that the American Consul at Durango be directed to use his influence to insure to Mr. Chanel's life and property that respect which may be legitimately expected.

Accept [etc.]

JUSSERAND.

File No. 312.51/132.

The Secretary of State to Vice Consul Coen.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 4, 1915.

Your despatch 48, July 8. At request French Embassy, use your influence to insure respect for Chanel's life and property.

LANSING.

File No. 312.51/132.

The Secretary of State to the French Ambassador.

No. 1516.] DEPARTMENT OF STATE,
Washington, August 4, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of July 28, 1915, in which you ask the Department to instruct the American Vice Consul at Durango, Mexico, to use his influence with the local authorities at that place, in order that the life and property of Mr. Chanel, a French citizen, may be respected.

In reply I have the honor to inform your excellency that the Department has sent appropriate telegraphic instructions to the American Vice Consul at Durango, as requested.

Accept [etc.]

ROBERT LANSING.

File No. 312.51/134.

The Acting Secretary of State to Consul General Hanna.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 11, 1915.

Henry Huguet, Frenchman of Santa Engracia, Tamaulipas, reported kidnapped August 4 and taken to Zaragoza by Captain Mucio Perez, under General Carrera Torres of Tula, and that Huguet is being held pending payment $10,000 under penalty of death in case non-payment.

At request French Embassy, investigate, endeavor obtain Huguet's release and report.

OSBORNE.

File No. 312.51/137.

The French Ambassador to the Secretary of State.

[Translation.]

FRENCH EMBASSY,
Washington, August 23, 1915.

MR. SECRETARY OF STATE: It would seem, from certain reports forwarded by its Minister at Mexico City to the Government of the Republic, that the authorities set up at Torreon by General Villa are about to confiscate 5,500 bales of cotton worth $5,000,000 the certificate of deposit of which is filed in the French Consular Agency at that city and which are consigned to several large French firms in Mexico.

My Government would greatly desire, in the event of the confiscation taking place and the above-mentioned goods being shipped to the United States, that the border customs authorities be directed to hold them until they hear from the French consignees who are ready to pay all expenses that may be incurred.

I should therefore be very thankful to your excellency if you would kindly direct an inquiry into the facts of the case, acquaint me with the result thereof and, should occasion arise, have the Federal customs officers instructed in accordance with the desire expressed by the French Government in the name and behalf of its nationals.

Be pleased [etc.]

JUSSERAND.

File No. 312.51/137.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 26, 1915.

French Embassy reports Torreon authorities about to confiscate 5,500 bales cotton consigned to several French firms and certificate of deposit of which filed in French Consular Agency in Torreon.

Report whether cotton confiscated and if so, what disposition made of it. If confiscation occurs later date, promptly send Department all available information.

LANSING.

File No. 312.51/138.

The Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, August 31, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence in regard to 5,500 bales of cotton at Torreon, Mexico, consigned to French firms in Mexico, I am pleased to inform you that the Department is in receipt of a telegram from the American Consular Agent at Torreon, dated August 28, in which he states that the French Consular Agent at Torreon has informed him that the cotton in question is still in storage at Torreon, under the protection of the French Consular Agent. The telegram adds that the French Consular Agent knows nothing of any contemplated confiscation of the cotton.

I am [etc.]

ROBERT LANSING.

File No. 312.51/139.

DEPARTMENT OF STATE,
Washington, August 31, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence in regard to Mr. Henri Huguet, a French citizen, who was recently arrested at Santa Engracia, Mexico, I am pleased to inform you that the Department is in receipt of a telegram from the American Consulate General at Monterey, Mexico, dated August 28, stating that Mr. Huguet has telegraphed the Consulate General, announcing his safe arrival at his home.

I am [etc.]

ROBERT LANSING.

File No. 312.51/137.

No. 1531.] DEPARTMENT OF STATE,
Washington, September 7, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of August 23 stating [etc.]

In reply I have the honor to say that on August 26 the Department telegraphed to the American Consular Agent at Torreon instructions to investigate and report regarding the matter, and to advise the Department fully and promptly if the cotton should be confiscated hereafter.

The Department will not fail to inform you promptly upon the receipt of a reply.

Respecting the expressed desire of your Government that the customs authorities of the United States be directed to hold this merchandise, in the event of its importation into the United States, I regret to inform you that the Department has heretofore been advised by the Secretary of the Treasury that there is no authority of law under which customs officers could take such action. It would seem, therefore, that the owners of the cotton in question might think it advisable to employ legal counsel, with a view to instituting proceedings in the appropriate court or courts in an endeavor to recover possession of their property should it be brought into the United States.

Accept [etc.]

ROBERT LANSING.

File No. 312.51/145.

Vice Consul Blocker to the Secretary of State.

[Telegram.]

EAGLE PASS, *October 18, 1915.*

Referring to previous correspondence in regard confiscation foreign owned coal mines, namely, Rio Escondido, Agujita, Lampacitos, Carranza authorities have now confiscated Rosita mine, also partially foreign owned. All mines as set forth in previous reports are largely French and American owned. Incompetent management on part of Carranza authorities is making mines completely useless for future. Owners have again protested to Consulate to have mines returned. They are willing to furnish coal to Carranza at cost production. Will Department please renew protest in regard to confiscation these mines.

BLOCKER.

File No. 312.52/682.

The Acting Secretary of State to the French Ambassador.[2]

DEPARTMENT OF STATE,
Washington, October 26, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence in regard to the protection of French interests in Mexico, I beg to

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[2] The same, mutatis mutandis, to the British, German, and Italian Ambassadors; and on October 23 to the Spanish Ambassador (see under Protection of Spanish interests).

inform you that the Department is in receipt of two telegrams from its representative at Torreon, in which he states that the de facto Government of Mexico has informed him that, in matters concerning the interests of foreign governments, it desires to deal directly with accredited representatives of those governments.

I am [etc.]

FRANK L. POLK.

File No. 312.51/155.

The Acting Secretary of State to the French Ambassador.

DEPARTMENT OF STATE,
Washington, November 17, 1915.

MY DEAR MR. AMBASSADOR: At my request Mr. Canova yesterday saw Mr. Amador, the representative of the de facto Government of Mexico, and took up with him the subject of your request concerning the *Korrigan II* and *Korrigan III*.

Mr. Amador replied that Mr. Ayguesparsse, whom we understand has just left for Laredo to join General Carranza as the representative of the French Government, goes with the best of recommendations and that General Carranza has expressed his pleasure over the approaching visit of Mr. Ayguesparsse. Mr. Amador thinks that Mr. Ayguesparsse should take up the matter with General Carranza, and he expressed his belief that they will arrange it to the entire satisfaction of the French Government. He said that he believed these two vessels were impressed into service in order to transport the troops which were brought up to Guaymas by General Diéguez to reinforce the Carranza troops in the Sonora campaign.

It appears that we cannot do more in the way of direct representations to General Carranza than has already been done in conversation with Mr. Amador.

I am [etc.]

WILLIAM PHILLIPS.

File No. 812.6362/5.

Special Agent Silliman to the Secretary of State.

[Telegram.]

SALTILLO, [*Received November 23, 1915.*]

Government of Coahuila informed me yesterday that it is now willing to receive at Saltillo foreign representatives of the coal mines of this State and to make arrangements with them for delivery of mines to foreign owners and for their operations by owners.

SILLIMAN.

File No. 312.52/686.

The Secretary of State to the French Ambassador.[3]

DEPARTMENT OF STATE,
Washington, December 13, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence[4] in regard to the proceedings that are reported to have been instituted

[3] Letters in the same sense were sent on the same date to the British and Spanish Ambassadors. See For. Rel. 1914, p. 884.
[4] Not printed.

against the Peninsular Bank of Yucatan by the de facto Government of Mexico, I desire to inform you that the Department's representative at Mexico City, Mr. Charles B. Parker, telegraphed under date of December 2 that all banks of issue in Mexico would be required to have by December 10 a metallic currency equal to one-half of the amount of their paper issue, and that such banks of issue as are unable to meet that requirement would lose their concessions and be forced into liquidation.

As the Department's representative states that there is practically no American capital invested in the banks mentioned, I am of the opinion that representations through Mr. Parker in behalf of the banks would not be acceptable to the de facto Government of Mexico. Moreover, the de facto Government has recently informed the Department of State that representations on behalf of foreign interests should be made by the appropriate diplomatic representatives of the countries whose citizens or subjects are concerned, and not by the representative of this Government.

I am [etc.] ROBERT LANSING.

PROTECTION OF GERMAN INTERESTS.

NOTE.—Upon information from the German Embassy, and from representatives of the United States, action was taken by this Government in behalf of German subjects and interests, in the form of representations to the Mexican authorities in the district concerned, at the following places: San Blas; Naica; Monterey, Magdalena, Vera Cruz, Colima, Mazatlan, Guadalajara, Manzanillo, Coyoacan, Merida, San Luis Potosi, Tepic, Saltillo, Aguascalientes, Chihuahua, Rio Blanco, Durango, and Mexico City. These representations were supplemented by such local assistance as it was possible for the representatives of this Government to render to any foreigner in Mexico, which was limited in the case of all foreigners as indicated in the following letter, which was sent also, mutatis mutandis, to the Spanish, French, Italian and British Embassies at Washington.

File No. 312.52/682.

The Acting Secretary of State to the German Ambassador.

DEPARTMENT OF STATE,
Washington, October 26, 1915.

MY DEAR MR. AMBASSADOR: Referring to previous correspondence in regard to the protection of German interests in Mexico, I beg to inform you that the Department is in receipt of two telegrams from its representative at Torreon, in which he states that the de facto Government of Mexico has informed him that, in matters concerning the interests of foreign governments, it desires to deal directly with accredited representatives of those governments.

I am [etc.]

FRANK L. POLK.

PROTECTION OF TURKISH INTERESTS.

File No. 704.6712.

Ambassador Morgenthau to the Secretary of State.

[Telegram.]

AMERICAN EMBASSY,
Constantinople, September 21, 1914.

Ottoman Government desires ascertain promptly if American Government will take charge of Ottoman interests in Mexico and in South American countries where Turkey is not represented.

AMERICAN AMBASSADOR.

File No. 704.6712.

The Acting Secretary of State to Ambassador Morgenthau.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 22, 1914.

United States Government will take charge of Ottoman interests in Mexico and South American countries where Turkey is not represented if requested to do so.

LANSING.

File No. 704.6712/1.

The Chargé d'Affaires of Turkey to the Secretary of State.

TURKISH EMBASSY,
Washington, December 7, 1914.

SIR: I have the honor to inform you that my Government is desirous, pending the appointment of an Ottoman consular agent, to place the interests of the Ottoman subjects residing in Mexico in the hands of the United States diplomatic and consular representatives in that Republic.

I shall be glad to know if the Government of the United States will extend its courtesy to the Imperial Ottoman Government in this matter. I understand that the United States Ambassador in Constantinople has already received a telegraphic reply in the affirmative from the Department of State to his enquiry on this subject, so that I shall be happy to communicate also a favorable reply of the State Department to my Government.

I have [etc.]

A. HUSSEIN.

File No. 704.6712/1.

The Secretary of State to the American Consular Officers in Mexico.

[Circular.]

DEPARTMENT OF STATE,
Washington, January 9, 1915.

SIR: The Department has received a note, dated December 7, 1914, from the Turkish Ambassador, Washington, D. C., expressing the

desire of his Government, pending the appointment of an Ottoman consular agent, to place the interests of the Ottoman subjects residing in Mexico in the hands of the American diplomatic and consular representatives in that Republic.

You are instructed, in compliance with this request, to use your unofficial good offices in behalf of Ottoman subjects in your consular district in accordance with the principles set forth in Paragraph 174 of the Consular Regulations.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 704.6712/1.

The Secretary of State to Ambassador Morgenthau.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 11, 1915.

257. Your September 21. At request of Ottoman Government through its Embassy here, our officers in Mexico have been authorized to use unofficial good offices in behalf of Ottoman subjects in that country.

BRYAN.

File No. 704.6712/1.

The Secretary of State to the Chargé d'Affaires of Turkey.

DEPARTMENT OF STATE,
Washington, January 13, 1915.

SIR: I have the honor to acknowledge the receipt of your note of the 7th ultimo, in which you request, on behalf of your Government, that, in the absence of diplomatic or consular representation of the Ottoman Government in Mexico, the interests of Ottoman subjects residing in that country may be placed in the hands of the officers of the United States there.

In reply I beg to inform you that it has given this Government pleasure to instruct its officers in Mexico to use their unofficial good offices in behalf of Ottoman subjects who may require them, in accordance with the principles set forth in Paragraph 174 of the Consular Regulations of the United States,[5] a copy of which I have the honor to enclose herewith.

Accept [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 704.6712/3.

Ambassador Morgenthau to the Secretary of State.

No. 199.] AMERICAN EMBASSY,
Constantinople, January 30, 1915.

SIR: In acknowledgment of the Department's telegram No. 257 of the 10th [11th] instant, stating that American officers in Mexico

[5] See the text in the memorandum of May 7, p. 1077.

have been authorized to use their good offices in that country for Turkish subjects, I have the honor to state that this information has been communicated to the Sublime Porte. This was done verbally, owing to the fact that the request which formed the subject of the Embassy's telegram of September 21 was a verbal one.

I have [etc.]

A. MORGENTHAU.

File No. 312.67/23.

Special Agent Silliman to the Secretary of State.

[Telegrams.]

MEXICO CITY, *February 13, 1915.*

A prominent member of the Ottoman colony requested my good offices this afternoon in behalf of six of his fellow countrymen who had been arrested by the military authorities on reaching the Constitutionalist lines, and it was reported that they had been executed. He also showed me cables and other correspondence relative to American representation for Ottomans. The Brazilian Minister informed me that he was prevented from any action whatever on account of the relations of Brazil with Turkey. He considered it proper for me to make unofficial inquiry at military headquarters. I saw General Obregon personally. He stated that six Syrians had been arrested for coming through the lines. Four were placed at liberty, two executed as spies, along with two Mexicans. As foreigners, they should have had formal trial but this had been overlooked.

Since beginning this cable I have been reliably informed that positively four Syrians were executed; that they were coming here as merchants to pay debts; that they had in their possession some 20,000 pesos which is up to this time retained by the military authorities; that they were inoffensive and innocent; that they were executed without any notice, without any one plea or chance, trial or representation. Am informed that the officer in charge of the execution had a German name.

I am requested to ask that the Department inform the Syrians in the north to avoid this city for the present.

SILLIMAN.

File No. 312.67/24.

MEXICO CITY, *February 16, 1915.*

My February 13. Three instead of four Syrians were shot. Their money, watches and even shoes were taken and are still retained by the military authorities. One leaves a wife and three children here. It is learned that all others are on the way to this city from the north and fears are entertained for their fate.

SILLIMAN.

File No. 312.67/27.

MEXICO CITY, *February 17, 1915.*

SIR: Referring to my cablegrams of February 13 and February 16, I now have the honor to submit to the Department correspond-

ence [72] referring to the request of the Syrians here for American protection, and also regarding the execution of three Syrians by General Obregon on February 13, 1915.

I have [etc.]

JOHN R. SILLIMAN.

File No. 312.67/23.

The Acting Secretary of State to the Embassy of Turkey.

DEPARTMENT OF STATE,
Washington, February 20, 1915.

The Department of State presents its compliments to the Turkish Embassy and has the honor to inform the Embassy that the Department is in receipt of a telegram from Mr. John Silliman, its special representative at Mexico City, dated February 16, stating that three Syrians were recently shot near Mexico City; that their money, watches and shoes were taken and are still retained by the Mexican military authorities; that one of the Syrians leaves a wife and three children; and that other Syrians are on the way to Mexico City from the north and fears are entertained for their fate.

ROBERT LANSING.

File No. 704.6712/4.

Ambassador Morgenthau to the Secretary of State.

AMERICAN EMBASSY,
Constantinople, March 10, 1915.

SIR: I have the honor to transmit herewith copy and translation of a note verbale from the Sublime Porte, dated the 9th instant, relative to the representation of Ottoman interests in Mexico by United States officials.

The Sublime Porte states in its note that it has instructed the Ottoman Chargé d'Affaires in Washington to make further representations at the Department with a view to obtaining official American protection for Ottoman subjects in Mexico and requests the good offices of the Embassy in the matter.

I have [etc.] H. MORGENTHAU.

[Inclosure—Translation.]

The Ministry of Foreign Affairs to Ambassador Morgenthau.

SUBLIME PORTE,
Constantinople, March 9, 1915.

The Ministry of Foreign Affairs is informed by a telegram from the Imperial Embassy at Washington that the Government of the United States of America has consented, according to the Department of State's answering note of the date of January 13th No. 15, to instruct the officers of its service in Mexico to use *their unofficial good offices in favor of Ottoman subjects who found need to have recourse to them* conforming to the principles given in paragraph 174 of the Consular Regulations of the United States.

The terms underlined not being able to express effective protection which would follow from even the terms of article 174 of the consular regulation of

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[72] Not printed.

the United States, thus given: "The diplomatic and consular officers become the agent of the foreign government by reason of the duties that he has filled regarding the citizens or subjects of it," the Ministry for Foreign Affairs asks the Embassy of the United States of America to please support with its Government the requests that the Ottoman Chargé d'Affaires at Washington has been told to make again to the Department of State in order that the officers of the United States might be charged with the official protection of Ottoman subjects in Mexico.

File No. 312.67/29.

The Chargé d'Affaires of Turkey to the Secretary of State.

The Turkish Chargé d'Affaires presents his compliments to the Honorable Secretary of State and has the honor to inform him that a certain J. E. Touche residing at El Paso, Texas, an Ottoman Syrian, has applied to the Embassy for protection and assistance saying that part of his holdings in Mexico has been confiscated by order of General Francisco Villa at the time of the entrance of the latter's forces into Chihuahua on December 1913.

As the said Jacob E. Touche informs the Embassy that he has also written to the Department of State on the same subject and received a reply to the effect that action in the matter will be taken only on receipt of a request from this Embassy, the Turkish Chargé d'Affaires accordingly hastens to say that he will feel very grateful to the Secretary of State if he will be good enough to direct the United States representative in Mexico to investigate fully into the matter and act in accordance with the requirements of the case with the view of safeguarding the interests of the said Jacob Touche.

TURKISH EMBASSY,
Washington, March 30, 1915.

File No. 312.67/29.

The Secretary of State to the Chargé d'Affaires of Turkey.

The Secretary of State presents his compliments to the Turkish Chargé d'Affaires and, referring to his note of March 30, 1915, in regard to the seizure at Chihuahua, Mexico, of the properties of J. E. Touche, an Ottoman Syrian, has the honor to inform the Turkish Chargé d'Affaires that the Department has today instructed Mr. George C. Carothers to request General Francisco Villa to order the restoration to the owner of the properties mentioned.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, April 3, 1915.

File No. 704.6712/4.

The Secretary of State to Ambassador Morgenthau.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 19, 1915.

598. Referring your despatch March 10 urging protection Ottoman subjects in Mexico. Please bring to attention of Turkish Government following facts: This Government has no diplomatic repre-

sentative of its own in Mexico, nor has it a consular officer in the City of Mexico at the present time, but is acting through the Brazilian Minister. The work thus imposed upon him is so onerous and exacting that we feel it would be an injustice to him to add to his burdens. We would, therefore, suggest that the Turkish Government request some other legation to act for it in diplomatic matters and for the protection of Ottoman subjects in the City of Mexico.

The Government of the United States, however, will be pleased to instruct its consular officers in other districts of Mexico to extend their good offices and protection to the subjects of the Ottoman Empire within their jurisdiction. We are sure that the Turkish Government will appreciate the situation and make the arrangements suggested. You will assure the Turkish Government that we would be pleased to act for it at the capital if we had a diplomatic representative of our own in Mexico.

BRYAN.

File No. 704.6712/6a.

The Secretary of State to the Chargé d'Affaires of Turkey.

DEPARTMENT OF STATE,
Washington, May 6, 1915.

SIR: In compliance with your recent oral request, I take pleasure in sending you enclosed a memorandum on the subject of the protection by diplomatic and consular officers of the United States of the interests of citizens or subjects of a third country at places where their own government has no diplomatic or consular representatives.

I am [etc.]

ROBERT LANSING.

[Inclosure.]

MEMORANDUM.

In a note dated December 7, 1914, the Turkish Chargé d'Affaires at Washington stated that his Government, pending the appointment of an Ottoman consular agent, was desirous of placing the interests of Ottoman subjects residing in Mexico in the hands of the United States diplomatic and consular representatives in that country, and inquired whether the United States would extend this courtesy to the Turkish Government.

On January 11, 1915, the Department telegraphed the Embassy at Constantinople that officers of the United States in Mexico had been authorized to use unofficial good offices in behalf of Ottoman subjects in Mexico.

On January 13, 1915, the Turkish Chargé d'Affaires in Washington was informed that this Government had instructed its officers in Mexico to use *unofficial* good offices in behalf of Ottoman subjects who might require them, in accordance with paragraph 174 of the Consular Regulations.

On March 10, 1915, the American Ambassador at Constantinople transmitted to the Department of State a note verbale from the Turkish Foreign Office dated March 9, stating that the use of unofficial good offices in favor of Ottoman subjects who found need to have recourse to them, in accordance with paragraph 174 of the Consular Regulations, did not express effective protection and that the Turkish Chargé d'Affaires at Washington had been directed to take the matter up further with the Department of State in order that the officers of the United States might be charged with the official protection of Ottoman subjects in Mexico.

Oral request has been made by the Turkish Chargé d'Affaires for an interpretation of paragraph 174 of the Consular Regulations. The paragraph mentioned reads as follows:

174. Requests have occasionally been made upon the Government of the United States to permit its diplomatic and consular officers to extend their protection to citizens or subjects of a foreign government who may desire it and who may be sojourning at places where there are no diplomatic or consular representatives of that government This Government has from time to time, upon the request of friendly powers, given to its diplomatic and consular officers authority to take upon themselves, with the consent of the government within whose jurisdiction they reside, the function of representing those powers at places where the latter had no such officers. It has understood this authority to be restricted simply to the granting of the services and good offices of our representatives, with their own consent, to meet what has ordinarily been a fortuitous and temporary exigency of the friendly government. When this function is accepted—which must be done only with the approval of the Department of State—the diplomatic or consular officer becomes the agent of the foreign government as to the duties he may perform for its citizens or subjects. He becomes responsible to it for his discharge of those duties, and that government alone is responsible for his acts in relation thereto. He does not, however, for this purpose, become a diplomatic or consular officer of the foreign government.

The Constitution of the United States prohibits any one who holds an office of profit or trust under the United States to accept, without the authority of the Congress of the United States, any office of any kind whatever from any foreign State. Hence for the purpose of the protection of citizens or subjects of a foreign State diplomatic and consular officers of the United States cannot become officers of the foreign State, the intention of the Department of State in authorizing the exercise of such protection being merely the use, with the consent of the authorities of the countries where such officers reside, of their good offices in behalf of the citizens or subjects of such foreign country in their vicinity who might request them in the absence of diplomatic or consular representatives of their own country. As before stated such officers cannot become officers of the foreign government, and consequently they could not officially represent that government. They are agents of that government not in the sense of "officials," but only as persons who at the request of that government, and with the consent of their own government and the authorities of the country in which they reside, are permitted to speak unofficially and by way of good offices in favor of any interests of such third government or its citizens or subjects. And while such officers, when so acting, are responsible to the foreign government for the acts they perform in its behalf, and that government is alone responsible for their acts in relation thereto, they do not report to that government, nor do they take its orders, their communication with it being indirectly effected through the Government of the United States.

With respect to the particular case of the protection of the interests of Ottoman subjects in Mexico, the foregoing applies only to the consular officers of the United States, the United States having no diplomatic representative of its own in Mexico.

DEPARTMENT OF STATE,
Washington, May 7, 1915.

File No. 704.6712/8.

Ambassador Morgenthau to the Secretary of State.

No. 317.] AMERICAN EMBASSY,
Constantinople, May 31, 1915.

SIR: Referring to the Department's telegraphic instruction No. 598 of April 19, 1915, in regard to the protection of Ottoman interests in Mexico by the American diplomatic and consular officials in that country, I have the honor to transmit herewith a copy of the reply of the Ottoman Ministry of Foreign Affairs to the note of the Embassy based on the aforementioned instruction of the Department.

I have [etc.]

H. MORGENTHAU.

[Inclosure—Translation.]

The Ministry of Foreign Affairs to the American Embassy.

SUBLIME PORTE,
Constantinople, May 29, 1915.

In reply to the note verbale which the Embassy of the United States of America was pleased to address to it under date of April 21 last, No. 268, the Ministry of Foreign Affairs has the honor to inform it that it has just asked the German Government to take under its protection Ottoman subjects and interests in the city of Mexico, until the Government of the Republic shall there have a representative.

The Imperial Ministry therefore asks the Embassy of the Republic to kindly have given, if that has not already been done, instructions to the American consuls in the other cities of Mexico to undertake the protection of Ottoman subjects living in their districts.

File No. 704.6712/9.

Consul Schmutz to the Secretary of State.

No. 312.] AMERICAN CONSULATE,
Aguascalientes, June 1, 1915.

SIR: I have the honor to report that S. Bujdud of the firm of S. Bujdud Hermano and Jalife, Ottoman subjects, in business in Torreon, applied to this consulate yesterday in regard to ninety-four bales of cotton which was stored in a local warehouse and which the Government had sequestered.

In accord with the Department [circular] instruction of January 9, 1915, to "use my unofficial good offices in behalf of Ottoman subjects in my consular district," I took the matter up with the local authorities and obtained the release of this cotton.

When the German Consul of San Luis Potosí was in Aguascalientes about a month ago, he informed me that his consular district included the State of Aguascalientes, and a few days later I saw a notice in the El Paso Morning Times which stated that the German Consul in San Luis Potosí had been appointed by the Ottoman Empire in charge of the interests of Ottoman subjects in his consular district.

Under these circumstances I beg to inquire if the Department's instruction above referred to is still in force.

I have [etc.]

GASTON SCHMUTZ.

File No. 812.00/15284.

Consul Schmutz to the Secretary of State.

[Extract.]

No. 322.] AMERICAN CONSULATE,
Aguascalientes, June 15, 1915.

SIR: I have the honor to report that notwithstanding the boasted protection given to foreigners and foreign property which General Villa speaks of in his reply to President Wilson's note, he continues to issue confiscatory decrees. * * *

Yesterday a foreign local merchant, Nicolás Allende, an Ottoman subject, who owns a grocery and provision store, had his stock confiscated because he failed to submit an inventory of his goods to the authorities. I have written a letter of protest to General Villa against the confiscation of the stock of Nicolás Allende, but so far have had no reply. I also wired and wrote to the German Consul in San Luis Potosí, whom I understand has been placed in charge of the interests of Ottoman subjects in this district, but have not yet had time to hear from him and I suppose by this time Allende's store is completely looted.

I have [etc.]

GASTON SCHMUTZ.

File No. 704.6712/9.

The Secretary of State ad interim to the Chargé d'Affaires of Turkey.

No. 25.] DEPARTMENT OF STATE,
Washington, June 15, 1915.

SIR: I have the honor to enclose herewith a copy of a despatch of the 1st instant from the American Consul at Aguascalientes reporting that at the request of the firm of S. Bujdud Hermano and Jalife, Ottoman subjects, he has obtained the release of ninety-four bales of cotton which had been sequestered by the Mexican Government.

I should be glad to be informed whether the Embassy has any advices concerning the report contained in the despatch as to the designation of the German Consul at San Luis Potosí to care for Ottoman interests.

Accept [etc.]

ROBERT LANSING.

File No. 704.6712/10.

Consul Schmutz to the Secretary of State.

No. 326.] AMERICAN CONSULATE,
Aguascalientes, June 19, 1915.

SIR: I have the honor to report that in the matter of the confiscation of the merchandise of the Ottoman subject, Nicolas Allende, which I reported to the Department in my despatch No. 322 of June 15, I have to advise that General Villa refuses to admit my right to represent Mr. Allende in this matter and said that the matter should be taken up by the consular or diplomatic representative of the Ottoman Empire (see copy of letter from General Villa enclosed herewith).

In my despatch No. 312 of June 1st, 1915, I reported to the Department that I had read in the El Paso Times that the German Consul in San Luis Potosí, who includes Aguascalientes in his consular district, had been appointed to represent the subjects of the Ottoman Empire, but when I referred the Allende matter to him, he writes that he only represents the Ottoman subjects in the State of San Luis Potosí and not in his entire district.

Under these circumstances I would respectfully request the Department to instruct me as to my obligations towards subjects of

the Ottoman Empire in my consular district, to whom, under unnumbered instruction from the Department of January 9, 1915, I was instructed to extend my "unofficial good offices" now that General Villa refuses to receive my intercession in their behalf.

I have [etc.]

GASTON SCHMUTZ.

[Inclosure—Translation.]

General Villa to Consul Schmutz.

AGUASCALIENTES, *June 15, 1915.*

DEAR SIR: In answer to your kind letter of today I will state that, as Mr. Nicolás Allende is a subject of the Ottoman Empire, his claim ought to have been presented by his Consul or by the Representative of the Ottoman Empire; however, out of deference and as a matter of courtesy toward you, I will give you the following explanation:

The order which warranted the officer you mention in entering the business house of Mr. Allende was signed by General Benito Diaz, Governor of the State, which official ordered the confiscation of the goods claimed by Mr. Allende, the reason being that he had them hidden because they belonged to an enemy of our cause who has expatriated himself to the United States; on the other hand, Mr. Allende paid taxes to the Government for the conduct of a dry-goods business, whereas what he had in stock was groceries, which fully verifies our assertion.

I remain [etc.]

FRANCISCO VILLA.

File No. 704.6712/11.

The Chargé d'Affaires of Turkey to the Secretary of State.

No. 37.] TURKISH EMBASSY,
Washington, June 26, 1915.

SIR: I have the honor to acknowledge receipt of your note of the 15th instant enclosing copy of a despatch from the American Consul at Aguascalientes on the subject of the release, at the request of the firm of S. Bujdud Hermano & Jalife, Ottoman subjects, of ninety-four bales of cotton which had been sequestered by the Mexican Government.

As to the report contained in the despatch of the Consul as to the designation of the German Consul at San Luis Potosí to care for Ottoman interests, I beg leave to state that this Embassy has no information whatever on the subject beyond the fact that the interests of Ottoman subjects in every part of Mexico have been placed in the good care of the United States representative in that country, concerning which this Embassy has already had the honor to exchange correspondence with the Department of State and received a reply in the affirmative.

I shall lose no time in taking the matter up with the German Consul at San Luis Potosí with the view of ascertaining by whom he has been authorized to act on behalf of my countrymen within his consular jurisdiction.

I have [etc.]

A. HUSSEIN.

File No. 312.67/53.

Special Agent Silliman to the Secretary of State.

VERA CRUZ, *June 30, 1915.*

SIR: Referring to my despatch of February 17 from the City of Mexico, referring to the request of Syrians for American protection, and also giving an account of the unjust execution by General Obregon of three Syrians on February 13, 1915, I have the honor to enclose herewith further correspondence [72] on the same subject.

Up to this time I have heard nothing from the Department in regard to the matter. I believe the Department is aware that for some difference between the Government of Brazil and that of Turkey the Brazilian Minister does not feel that he can act in the case.

I have [etc.]

JOHN R. SILLIMAN.

File No. 704.6712/11.

The Secretary of State to the Chargé d'Affaires of Turkey.

No. 26.] DEPARTMENT OF STATE,
Washington, July 9, 1915.

SIR: I have the honor to acknowledge the receipt of your note of June 26, stating in reply to one from the Department, that you have no knowledge of the designation of the German Consul at San Luis Potosí, Mexico, to protect Ottoman interests in any part of his district, and that, so far as you are informed, the interests of Ottoman subjects in every part of Mexico have been placed in the care of the United States.

In this connection, I enclose herewith copies of a despatch from the American Consul at Aguascalientes, in regard to the confiscation of property belonging to the Ottoman subject Nicolás Allende, and its enclosure, a letter from General Francisco Villa, in which he declines to recognize the Consul's right to act for Mr. Allende, and states that the matter should be taken up by a consular or diplomatic representative of the Ottoman Empire.

The Department would be glad to be informed whether the Ottoman Government has any diplomatic or consular representative in Mexico, and to receive an expression of the wishes of the Imperial Ottoman Embassy regarding the representations to be made in the case of Mr. Allende.

Accept [etc.]

ROBERT LANSING.

File No. 704.6712/10.

The Secretary of State to Consul Schmutz.

No. 109.] DEPARTMENT OF STATE,
Washington, July 15, 1915.

SIR: The Department has received your despatch No. 326 of June 19, 1915, in regard to the confiscation of the property belonging to

[72] Not printed.

the Ottoman subject, Nicolás Allende, and enclosing a letter from General Francisco Villa in which he declines to recognize your right to represent Mr. Allende in this matter, and saying that the matter should be taken up by the consular or diplomatic representative of the Ottoman Empire.

The Department encloses for your information a copy of its note upon the subject to the Turkish Embassy at Washington.

I am [etc.]

For the Sercetary of State:
WILBUR J. CARR.

File No. 312.67/53.

The Acting Secretary of State to Special Agent Silliman.

DEPARTMENT OF STATE,
Washington, July 23, 1915.

SIR: The Department acknowledges the receipt of your despatch dated June 30, in regard to protection for Syrians in Mexico, and with reference, specifically, to the case of the Syrians reported by you in telegrams from Mexico City in February last as having been executed by order of General Obregon.

A third person note covering the information contained in your telegram dated Feburary 16, which information was substantially the same as that contained in the enclosures to your despatch of February 17, was sent to the Turkish Embassy in Washington on February 20. This third person note ended by saying that fears were entertained for the Syrians on their way to Mexico City from the north. It does not appear from the records at hand that the Turkish Embassy, upon the receipt of this information, made any specific request of the Department for protection for these Syrians, nor does it appear that the Embassy made a formal protest against the execution of the Syrians referred to in your February 16. The Turkish Embassy was also informed of the suggestion in your February 13, that Syrians in the north of Mexico should avoid the vicinity of Mexico City while there was danger of such untoward incidents as the summary execution of the Syrians mentioned by you at that time.

In your telegram of February 13, you stated that the Brazilian Minister had said to you that while he was prevented from acting in the matter of these Syrians on account of the relations of Brazil with Turkey, he considered it proper for you to make unofficial inquiry regarding the matter at military headquarters.

It appears from the records that the Department, on May 6, 1915, sent to the Turkish Embassy in Washington a long memorandum on the subject of protection for Ottoman subjects in Mexico, in which the Embassy was reminded that on January 13, 1915, the Turkish Chargé d'Affaires in this city had been informed that this Government had instructed its officers in Mexico to use unofficial good offices in behalf of Ottoman subjects in accordance with paragraph 174 of the United States Consular Regulatons. In this memorandum it was further stated that this authorization applied only to representatives of this country having consular functions, on account of this

Government's having no diplomatic representative of its own in Mexico.

You are instructed to use your good offices in behalf of subjects of the Ottoman Empire in any cases of grievances that may come to your knowledge, and to say that you are acting on instructions from this Department, given as a result of the action of the Ottoman Government in entrusting to representatives of this Government the care of Ottoman interests.

You are also instructed to lodge a protest, unofficially, against the summary executions of Ottoman subjects mentioned in your telegram of February 16, and to make a similar protest, in the future, should there be any likelihood of a repetition of such summary action as was taken in the case of the Syrians above mentioned.

The Turkish Embassy in this capital will be requested to designate some one other than the Brazilian Minister to look after Ottoman interests in Mexico City, but it does not appear to be necessary to inform the Carranza officials of this until the selection of some one by the Turkish Government.

I am [etc.]

ALVEY A. ADEE,

File No. 312.67/53.

The Acting Secretary of State to the Chargé d'Affaires of Turkey.

DEPARTMENT OF STATE,
Washington, July 23, 1915.

MY DEAR MR. CHARGÉ D'AFFAIRES: It has come to the knowledge of this Government that the Brazilian Minister in Mexico City, who is at present representing the Government of the United States in the absence of a regularly accredited representative of this Government, is not in a position to use his good offices in behalf of Ottoman subjects. In view of this it is respectfully suggested that your Government be asked to designate some one other than the Brazilian Minister to represent these interests.

I am [etc.]

ALVEY A. ADEE.

File No. 312.67/57

Special Agent Silliman to the Secretary of State.

VERA CRUZ, *August 26, 1915.*

SIR: I have the honor to transmit herewith a copy of my representation to the Foreign Office No. 278 of August 26, 1915, in compliance with the Department's instruction in its communication of July 23, 1915, regarding representation for Ottoman subjects in Mexico.

I am [etc.]

JOHN R. SILLIMAN.

[Inclosure.]

Special Agent Silliman to the Foreign Office.

No. 278.] VERA CRUZ, *August 26, 1915.*

MY DEAR MR. SECRETARY: Referring to the summary execution of three Ottoman subjects by General Obregon, Mexico City, on the 16th of February, 1915.

At the time, and at the instance of the Ottoman Colony in Mexico City, I spoke to General Obregon in behalf of these Syrians, who were brought in from San Juan del Río, charged with being spies. I was, unfortunately, a little too late in seeing the General, who informed me that just a short time previous to my call the men had been executed. He added that if he had known that they were foreigners he would have ordered a more formal examination, but that he only knew of their nationality through my representation and regretted that it was too late.

I have the honor to inform you that I am in receipt of a communication from the Honorable Alvey A. Adee, Acting Secretary of State of the United States, dated July 23, in reference to this case, and also in reference to representation for Ottoman subjects in this country who are without an accredited representative from their own Government.

I am instructed to say, as a result of the Ottoman Government entrusting to representatives of the Government of the United States the care of Ottoman interests in Mexico, that I am authorized to use my good offices in behalf of subjects of the Ottoman Empire in any case of grievance that may come to my knowledge. This instruction also applies to all other consular officers of the United States in their respective districts.

I am also instructed by the Honorable Secretary of State of the United States to lodge a protest, unofficially, against the summary execution of the Ottoman subjects above referred to, which took place in the city of Mexico on the 16th of February, 1915.

I have [etc.]

Not signed.
[JOHN R. SILLIMAN.]

File No. 312.67/58.

Mr. J. E. Touche to the Secretary of State.[6]

[Telegram.]

EL PASO, TEXAS, *September 11, 1915.*

Casually I met here American Consul Letcher of Chihuahua and asked him to intervene in the protection of my building, feeling authorized to do so knowing that Turkish subjects in Chihuahua are under protection of the American Government.

Mr. Letcher stated he could do nothing unless by orders of State Department. I beg that you instruct Mr. Letcher to intervene, as the tenants of my building have been ordered to vacate so as to destroy my building, as has been done to others in the immediate vicinity. Please wire answer collect. Will also pay expenses for wire to Letcher.

J. E. TOUCHE.

File No. 312.67/58.

The Secretary of State to Consul Letcher.[7]

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 17, 1915.

J. E. Touche, presumably Ottoman subject, states he has been notified by Villa that valuable property belonging Touche at Chihuahua is to be destroyed. Render good offices behalf Touche.

LANSING.

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[6] See ante, correspondence of March 30 and April 3 between the Department and the Embassy.

[7] The same to Special Agent Carothers.

File No. 312.67/58.

The Secretary of State to Mr. J. E. Touche.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 17, 1915.

Carothers, El Paso, and Consul, Chihuahua, instructed render good offices your behalf.

ROBERT LANSING.

File No. 312.67/60.

Consul Letcher to the Secretary of State.

No. 672.] AMERICAN CONSULATE,
Chihuahua, September 19, 1915.

SIR: Having reference to the Department's telegram of September 17, 1915, in which I was instructed to use my good offices in the interest of protection for the property of Mr. Jacob E. Touche, a subject of the Turkish Empire, I have the honor to report that I have now directed a note to Governor Avila asking that consideration be shown Mr. Touche in respect to his property interests in this city. I might note that Mr. Touche is a large holder of property here, but has been a refugee from this city since December, 1913, when he fled at the approach of the Constitutionalist troops, then under the general command of General Villa. In connection with the present instructions I venture to call attention to the correspondence regarding this case, going back now for several months, Mr. Touche having appealed to this office for aid in securing protection for his property soon after the occupation of Chihuahua by General Villa, which occupation was soon followed by the sequestration of all property owned by Mr. Touche. The complainant in this case was formerly a concessionaire of the gambling privilege for the State of Chihuahua, and it is understood that the present authorities found their hostility to him on the ground that he gained his wealth through the gambling privilege indicated, and certain vague charges are claimed to stand against Mr. Touche which warrant the action already taken by the authorities.

The particular act of destruction to which Mr. Touche's present complaint refers is the anticipated razing of a part of a valuable two-story building owned by him which is located in the principal business quarter of this city, for the purpose of widening the street upon which such building faces. It is true that the plans projected will result in very serious damages to the building referred to.

It is proper to observe that Turkish subjects domiciled in Chihuahua at the present time are having recourse to the honorary German Consul in cases requiring the assistance of consular officers, it being understood that an arrangement to this effect now subsists through the fact of the alliance existing between the Ottoman and the German Governments. Formerly, under instructions given this Consulate in 1913, this office frequently was called upon to exercise its good offices in the interests of Turkish subjects.

I have [etc.]

MARION LETCHER.

File No. 312.67/60.

The Secretary of State to the Chargé d'Affaires of Turkey.

The Secretary of State presents his compliments to the Turkish Chargé d'Affaires, and with reference to the note of the Chargé d'Affaires dated March 30, 1915, requesting the Department of State to take action looking to the safeguarding of the interests of one J. E. Touche, encloses herewith a copy of a despatch of September 19, 1915, on the subject from the American Consul at Chihuahua, Mexico.

In view of the statements contained in the despatch in regard to Turkish subjects domiciled in Mexico having recourse to the honorary German Consul in cases requiring the assistance of consular officers, the Secretary of State would be glad to be advised whether the Turkish Government desires the representatives of the United States in Mexico to continue the exercise of their good offices on behalf of Turkish subjects.

DEPARTMENT OF STATE,
Washington, October 29, 1915.

PROTECTION OF CHINESE INTERESTS.[8]

File No. 312.93/81.

Consul Simpich to the Secretary of State.

[Telegram—Extract.]

AMERICAN CONSULATE,
Nogales, January 29, 1915.

Chinese colony of Nacozari, Sonora, complain by telegraph through American consular agent, Cananea, that Yaqui soldiers of Villa's Army, Maytorena's division, commanded by Yaqui General Urvalejo,[9] looted entire Chinese settlement at Nacozari, taking stocks of merchandise, food, clothing, furniture, and also stripped Chinese of clothing on their backs; that Chinese now dependent on charity of Americans at Nacozari. Chinese request their Embassy Washington be notified. Chinese request me ask Maytorena protect them, they fearing repetition Torreon affair,[9] also request Maytorena issue them provisions they being threatened starvation.

SIMPICH.

File No. 312.93/81.

The Secretary of State to Consul Simpich.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 2, 1915.

Your January 29. Continue use good offices appropriate officials relief Chinese.

BRYAN.

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[8] Continued from For. Rel. 1914, p. 896.
[9] For. Rel. 1911, p. 616.

File No. 312.93/82.

The Secretary of State to Special Agent Carothers.[10]

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 3, 1915.

At request Chinese Minister ask Villa order authorities Mexicali repeal law claimed to be unjust and discriminatory requiring Chinese residents pay monthly tax two dollars.

BRYAN.

File No. 812.00/14358.

Collector Cobb to the Secretary of State.

[Telegram—Extract.]

EL PASO, *February 6, 1915.*

Following from Carothers, Irapuato:

General Villa has ordered authorities at Mexicali to abstain from collecting the two dollars tax from Chinese subjects.

COBB.

File No. 312.93/89.

Consul Simpich to the Secretary of State.

No. 366.] AMERICAN CONSULATE,
Nogales, March 16, 1915.

SIR: I have the honor to report that the unjust and often outrageous treatment of Chinese by Mexicans continues in Sonora, in spite of all that this consulate can do in its efforts to secure protection for them and their property.

Recently a delegation of eight Chinese merchants of Cananea and Nogales, claiming to represent some 3,500 of their countrymen in northern Sonora, called at the consulate and requested that the attention of the American State Department be invited to their condition here; and that the Department, if consistent, unofficially suggest to the Chinese Embassy at Washington the advisability of sending an agent to Sonora to meet and consult with the Chinese here; these Chinese desire advice and aid in the preparation of claims covering a long series of property losses sustained by them during the past four years of revolution.

This consulate is constantly called upon by Chinese for aid and advice, but with its limited office organization, and by reason of the large number of Chinese in the district, it is physically impossible to give a full measure of attention to all such who find themselves in difficulties.

When the committee of Chinese called and raised the question of their claims, they were advised that any action at present would be premature; that no claims could be passed upon until political conditions in Mexico were materially improved, and possibly a joint claims commission appointed, or other customary arrangements made for the adjustment of such losses.

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[10] Similar telegram to the American consul at Ensenada.

They insisted, however, that it was their desire that their request be made known to their Embassy at Washington; my suggestion that they write directly to the Chinese Embassy and make their request over their own signatures was agreed to by them, but they also insisted that the consulate make known their desire to the American Government at Washington.

It then occurred to me that possibly the Chinese Government, considering the large number of its citizens resident in Sonora, if such an arrangement could be made without raising the question of recognition it would undoubtedly be of material assistance to the large Chinese colony here.

I have [etc.],

FREDERICK SIMPICH.

File No. 312.93/88.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 20, 1915.

Chinese Minister has left with Department following telegram, addressed to him from Douglas, Ariz., March 18:

Mexican Gen. J. M. Maytorena's troops are creating trouble, pillaging and killing. Chinese residents are fleeing and without food. Please intervene without delay. Sonora Arizpe Moctezuma Cumpas Nacozari Fronteras Chinese Mercantile.

Request immediate issuance orders adequate protection Chinese citizens and cessation depredations.

BRYAN.

File No. 312.93/91.

Consul Simpich to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Nogales, March 22, 1915.

Representations have been made to Maytorena. To my knowledge outrages complained of in telegram to Chinese Minister have been scandalous and continuous for many weeks; and repeated requests have been made on Maytorena by this consulate in efforts secure protection for Chinese without success. See despatch 366, March 16. Not many Chinese have been killed but literally scores have been robbed and cruelly maltreated apparently with approval of officers. Correspondence filed this consulate demonstrates futility of appeals to Maytorena. Respectfully suggest that vigorous representations be made Villa that he issue sharp personal orders directly to Generals Trujillo, Soza, Morales, Acosta, and Urvalejo, now in Sonora, to end that this increasing persecution of defenseless Chinese be ended. Several thousand Chinese in Sonora and conditions of those in remote small towns is pitiful.

SIMPICH.

File No. 312.93/91.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 23, 1915.

Simpich reports scandalous and continuous outrages on Chinese citizens and that repeated requests of Maytorena for their protection without success. Officers apparently approve outrages.

Request Villa immediately issue sharp personal orders to Generals Trujillo, Soza, Morales, Acosta, and Urvalejo, all in Sonora, to end this persecution.

BRYAN.

File No. 312.93/89.

The Secretary of State to the Chinese Minister.

No. 62.] DEPARTMENT OF STATE,
Washington, March 25, 1915.

SIR: Referring to the telegram dated March 18, 1915, from Douglas, Ariz., which was left at the Department on March 19 by the Counselor of your Legation and which related to certain alleged outrages against Chinese in Sonora, Mexico, you are advised that the Department has received a telegram from the American consul at Nogales, Mexico, dated March 22, 1915, stating that repeated requests have been made on General Maytorena by that consulate with a view to obtaining protection for Chinese in Sonora, but without success. Consul Simpich reports that not many Chinese have been killed but that scores have been robbed and maltreated. These appeals by Consul Simpich having proved futile, the Department telegraphed Special Agent Carothers on March 23 instructing him to make vigorous representations to General Villa, urging him to issue emphatic personal orders to Generals Trujillo, Soza, Morales, Acosta, and Urvalejo, now in Sonora, to discontinue the ill treatment and persecution of Chinese. Several thousand Chinese are said to be in Sonora and the condition of those in remote small towns is described as pitiful.

As bearing on the general situation surrounding Chinese residents of Sonora, I enclose herewith copy of dispatch No. 366 of March 16, 1915, from the American consul at Nogales, which contains suggestions for your consideration.

Accept [etc.].

W. J. BRYAN.

File No. 312.93/94.

Collector Cobb to the Secretary of State.

[Telegram—Extract.]

EL PASO, *March 26, 1915.*

Following from Carothers, Gomez Palacio, 25th instant:

Telegraph Department that General Villa has telegraphed instructions to Sonora regarding protection Chinese citizens. I have again telegraphed him

requesting him to wire direct orders to the several generals as requested by Department. Carothers.

COBB.

File No. 312.112 M22/20.

Collector Cobb to the Secretary of State.

[Telegram—Extract.]

EL PASO, *March 27, 1915.*

Following from Carothers, Gomez Palacio, 26th instant:

Have just received following telegram from General Villa stating that he has telegraphed directly to the several generals in Sonora giving them positive orders to give full and complete guaranty to all foreigners in that State, and that they may not be molested or cause them any difficulties. Carothers.

COBB.

File No. 312.93/94 b.

The Secretary of State to Special Agent Carothers.[11]

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 27, 1915.

At request Chinese Legation ask Villa order adequate protection extended Chinese residents Guaymas, many of whose stores recently looted.

BRYAN.

File No. 312.93/105.

Consul Alger to the Secretary of State.

No. 592.] AMERICAN CONSULATE,
Mazatlan, March 30, 1915.

SIR: I have the honor to state that the situation here of the Chinese colony (some 700 in number) is becoming more serious every day. An attempt is being made to segregate them on the outskirts of the city.

The newspapers daily contain inflammatory articles against the Chinese, and every attempt is being made to excite feeling against them; at any moment their stores are liable to be sacked and their lives imperiled.

I see but one method to be adopted—that is that either this consulate or Admiral Howard be instructed to make it known to the authorities here that the Chinese colony is under the protection of the United States Government, and that their lives and properties must have the guaranties to which all law-abiding people are entitled; this in order to be of value should be done without any delay, as the situation is rapidly becoming worse.

I have [etc.]

WM. E. ALGER.

[11] Similar telegram to the American consul at Hermosillo.

File No. 312.93/103.

The Secretary of State to Special Agent Silliman.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 20, 1915.

At request Chinese Legation ask General Carranza to give instructions to authorities Mazatlan to prevent threatened removal of Chinese retail merchants there to separate suburb.

BRYAN.

File No. 312.93/108.

Consul Simpich to the Secretary of State.

[Extract.]

No. 373.] AMERICAN CONSULATE,
Nogales, April 21, 1915.

SIR: I have the honor to report that, according to information received by the acting American consular agent at Cananea, two Chinese citizens (Lee Yan You and Wong Toy) were murdered near Ojo de Agua (which is about 12 miles east of Cananea), Sonora, having been shot and killed supposedly by Maytorenista troops retiring from before Agua Prieta, in the early part of April.

The judge of the court of first instance is making an investigation; such steps are taken for appearance and purposes of policy only. There have been dozens of cases of robbery and killing of Chinese in Sonora in the past year, and in not one instance, to my knowledge, has the guilty party been punished.

I have [etc.]

FREDERICK SIMPICH.

File No. 312.93/105.

The Secretary of State to Consul Alger.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 23, 1915.

Your 592. Silliman at Vera Cruz was instructed April 20 exercise good offices behalf Chinese Mazatlan. Request local authorities refrain from action until General Carranza's instructions arrive.

BRYAN.

File No. 312.93/108.

The Secretary of State to Consul Simpich.

No. 444. DEPARTMENT OF STATE,
Washington, May 6, 1915.

SIR: The Department has received your despatch No. 373 of April 21, 1915, reporting that two Chinese citizens, Lee Yan You and Wong Toy, were murdered near Ojo de Agua, which is about

twelve miles east of Cananea, Sonora, having been shot and killed supposedly by Maytorenista troops retiring from before Agua Prieta, in the early part of April.

You are directed to address to the appropriate authorities an urgent request that all possible measures be taken to apprehend and punish the murderers of the Chinese referred to, and to extend adequate protection to Chinese citizens generally.

In this connection you will invite the attention of the authorities to the lawless conditions prevailing in the State of Sonora, especially with respect to the outrages which have been perpetrated upon Chinese citizens, and request to be informed what action they intend to take to remedy such conditions.

I am [etc.]

For the Secretary of State:
WILBUR J. CARR.

File No. 312.93/112.

Consul Hostetter to the Secretary of State.

[Telegram.]

AMERICAN CONSULATE,
Hermosillo, not dated; received May 21, 1915—11.50 a. m.

Rabble are sacking the Chinese stores at present moment, and although prefecto is doing what he can do not believe he is strong enough to stop the same. Have wired governor to order troops here.

HOSTETTER.

File No. 312.93/112.

The Secretary of State to Consul Simpich.

[Telegram.]

DEPARTMENT OF STATE,
Washington May 21, 1915.

Hostetter reports mobs looting Chinese stores Hermosillo. He has appealed to Governor Maytorena for troops. Take up matter with Maytorena urging prompt action for protection these foreign interests.

BRYAN.

File No. 312.93/112.

The Secretary of State to Special Agent Carothers.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 21, 1915.

Department informed mobs looting Chinese stores Hermosillo. Local authorities inadequate. Maytorena has been asked to send troops. Urge upon General Villa necessity for prompt action in protecting these foreign interests.

BRYAN.

File No. 312.93/124.

The Chinese Minister to the Secretary of State.

CHINESE LEGATION,
Washington, July 24, 1915.

MY DEAR MR. SECRETARY: I beg to inform you that I have just received the following telegram from the Chinese colony of Cananea, Sonora, Mexico:

> We beg to inform you that on the night of 19th instant soldiers of the Maytorena faction and irresponsible citizens of the town completely sacked our mercantile and other business establishments at Cananea, about forty houses in all, causing us an enormous property loss. We have reported the occurrence in detail to the American consular service.
>
> CHINESE COLONY OF CANANEA,
> *Sonora, Mexico.*

In view of the lawlessness prevailing in that part of Mexico, as stated in the above telegram, I shall be greatly obliged if you will be so kind as to issue instructions to the nearest American consul to exercise his good offices in behalf of all Chinese residents in that district.

I am [etc.]

KAI FU SHAH.

File No. 312.93/124.

The Secretary of State to Consul Simpich.

[Telegram.]

DEPARTMENT OF STATE,
Washington, July 27, 1915.

At request Chinese Legation, you are authorized exercise good offices behalf Chinese citizens at Cananea and other points your district as occasion may require.

LANSING.

File No. 312.93/126.

The Chinese Minister to the Secretary of State.

CHINESE LEGATION,
Washington, July 31, 1915.

MY DEAR MR. SECRETARY: I beg to acknowledge the receipt of your note of the 28th instant,[72] in which you are good enough to quote for my information a telegram addressed to the Secretary of the Navy by Admiral Howard, dated July 27, 1915, containing a message addressed to me by the Chinese colony at Guaymas, Mexico, asking for protection from the attacks of the Yaqui Indians, who have recently killed twenty-three (23) Chinese in the neighborhood of Guaymas. I have received a similar message from the Chinese colony at Guaymas, sent from Nogales, Ariz., under date of July 28, 1915.

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[72] Not printed.

In view of the seriousness of the situation to the Chinese at and near Guaymas, it will be gratifying to my Government if you would be so kind to issue instructions to American consular and naval officers in that neighborhood to extend to my countrymen residing in those parts all possible aid and protection, in the hope that similar tragic events will not occur again.

Thanking you [etc.]

KAI FU SHAH.

File No. 312.93/126.

The Secretary of State to Consular Agent Taylor.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 3, 1915.

At request Chinese Legation, you are instructed exercise good offices behalf Chinese in vicinity Guaymas, cooperating with Navy.

LANSING.

File No. 312.11/6738.

Consular Agent Montague to the Secretary of State.

[Telegram—Extract.]

AMERICAN CONSULAR AGENCY,
Cananea, undated, received October 1, 1915—10.30 p. m.

One Chinaman killed last night and another wounded. Diéguez bandits robbed local liquor establishment and were intoxicated all night; no Americans were molested since last report, but two Chinese restaurants were robbed and other Chinamen assaulted and robbed. Bandits also robbed Mexicans.

As I have heard from no one about forces arriving to protect Cananea and as each day the tension becomes more critical, and further, as I sent out a messenger to see Maytorena's forces, said to be en route to Cananea to protect town, and as messenger returned without finding such forces, I am convinced that no protection can be expected from Maytorena or Villista forces, and therefore in absence of instructions from Department I am assuming responsibility for sending following telegram to General Calles at Agua Prieta:

For a period of nine days Cananea has been without civil or military protection, and bandits have been robbing and killing people and are still in the city. Last night they killed one Chinaman and wounded another and robbed others. When the mayor and your civil forces left Cananea I thought you were abandoning the town and I looked to the forces in Santa Cruz for protection. Now, as it seems that no protection may be expected from that direction, I respectfully request you to send competent officer with men to protect foreigners from abuse at hands of bandits, as conditions are daily growing worse, and unless protection is furnished very soon I fear that more serious disorders may take place with possible disastrous complications. Please answer at once and advise me whether I may expect protection from you.

There are about 2,000 foreigners in Cananea, of whom 1,500 are Chinamen. There is strong anti-Chinese feeling in Cananea, and if general looting starts without any semblance of authority to afford

protection the Torreon disaster may be repeated here. All other foreigners much excited.

CHARLES L. MONTAGUE.

File No. 312.93/ 132a.

The Secretary of State to the Chinese Minister.

DEPARTMENT OF STATE,
Washington, October 28, 1915.

MY DEAR MR. MINISTER: Referring to previous correspondence in regard to the protection of Chinese interests in Mexico, I beg to inform you that the department is in receipt of two telegrams from its representative at Torreon, in which he states that the de facto Government of Mexico has informed him that, in matters concerning the interests of foreign Governments, it desires to deal directly with accredited representatives of those Governments.

I am [etc.]

ROBERT LANSING.

MOROCCO.

FRENCH PROTECTORATE IN MOROCCO. PROTEST OF THE UNITED STATES AGAINST REMOVAL OF CERTAIN CASES FROM THE CIVIL TO THE FRENCH MILITARY COURTS.[1]

File No. 881.00/608.

Chargé Blake to the Secretary of State.

No. 506.] AMERICAN LEGATION,
Tangier, December 8, 1915.

SIR: I have the honor to inform the Department that recently the French Consul at Mogador addressed to the American Consular Agent at that city a communication to the effect that the French Resident General, Commander-in-chief of the land and sea forces of France in Morocco, had decided that pending the duration of a state of siege which had been declared all infractions of the provisions of a Sultanic "dahir" of Ramadan 26, 1333 (August 10, 1915) concerning military requisitions, should be of the competency of the military courts, and that any infraction of the said dahir, even if the infractor should be a "resortissant" of a Power still retaining in the French Zone the privileges of the Capitulations, would be prosecuted by and before the French military authorities.

Copy of the communication above referred to was transmitted to me by the American Consular Agent at Mogador, but this is the only intimation received by the Legation of this disposition of the Residency General, which is in principle an infringement of our extraterritorial rights.

Copy and translation of the letter in question are herewith transmitted for the Department's information.

I have [etc.]

MAXWELL BLAKE.

[Inclosure—Translation.]

The French Consul at Mogador to the American Consular Agent at Mogador.

FRENCH CONSULATE,
Mogador, September 5, 1915.

SIR AND DEAR COLLEAGUE: I have the honor to inform you that by order dated August 18 last the Resident General, Commander-in-chief, decides that pending duration of the state of siege all infractions of the provisions of the Dahir of Ramadan 26, 1333 (August 10, 1915) concerning military requisitions should be of the competence of the military jurisdiction.

The civil jurisdictions, including the consular courts of Powers still retaining in the French Zone the privileges of the Capitulations, are in consequence deprived of the power to apply from a penal point of view the aforementioned dahir, and any infraction of this dahir, even if the infractor should be a

[1] Continued from For. Rel. 1914, pp. 905–923.

resortissant of a Power which has not renounced the Capitulations, will be prosecuted by and before the military authorities.

While bringing these dispositions to your knowledge,

I beg that you accept [etc.]

J. LEBÉ.

File No. 881.00/608.

The Acting Secretary of State to Ambassador Sharp.

No. 793.] DEPARTMENT OF STATE,
Washington, December 29, 1915.

SIR: The Department herewith encloses to you a copy of a despatch dated December 8, No. 506, from the American Chargé at Tangier, relative to the decision of the French Resident General in Morocco that certain cases hitherto tried before the civil courts shall be tried before the French military courts, even in cases where the persons concerned are citizens of a capitulatory country.

In order to prevent any waiver by the United States of its rights in Morocco, you will call the attention of the French Government to this action of the French Resident General in Morocco and protest against it in so far as it affects citizens of the United States.

I am [etc.]

FRANK L. POLK.

NETHERLANDS.

ARBITRATION AGREEMENT BETWEEN THE UNITED STATES AND THE NETHERLANDS EXTENDING THE DURATION OF THE CONVENTION OF MAY 2, 1908.

Signed at Washington, May 9, 1914; ratification advised by the Senate, May 20, 1914; ratified by the President, May 28, 1914; ratified by The Netherlands, July 10, 1915; ratifications exchanged at Washington, August 20, 1915; proclaimed, August 21, 1915.

Treaty Series No. 617.]

By the President of the United States of America.

A PROCLAMATION.

Whereas an Agreement between the United States of America and the Netherlands extending the duration of the Arbitration Convention signed on May 2, 1908, between the two countries, was concluded and signed by their respective Plenipotentiaries at Washington, on the ninth day of May, one thousand nine hundred and fourteen, the original of which Agreement, being in the English and Dutch languages, is word for word as follows:

The Government of the United States of America and Her Majesty the Queen of the Netherlands, being desirous of extending the period of five years during which the Convention of Arbitration, concluded between them on May 2, 1908, remained in force, which period has expired on March 25, 1914, have authorized the undersigned, to wit: The Honorable William Jennings Bryan, Secretary of State of the United States, and W. L. F. C. Ridder van Rappard, Envoy Extraordinary and Minister Plenipotentiary of her Majesty the Queen of the Netherlands at Washington, to conclude the following Agreement:

Article I.

The Convention of Arbitration of May 2, 1908, between the Government of the United States of America and Her Majesty the Queen of the Netherlands, the duration of which by Article III thereof was fixed at a period of five years from the date of the exchange of ratifications, which period terminated on March 25, 1914, is hereby extended and continued in force for a further period of five years from March 25, 1914.

Article II.

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen of the Netherlands, and it shall become effective upon the fourteenth day after the date

of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate in Washington, in the English and Dutch languages, this 9th day of May, one thousand nine hundred and fourteen.

WILLIAM JENNINGS BRYAN [SEAL.]
W L F C v RAPPARD [SEAL.]

And whereas the said Agreement has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Washington, on the twentieth day of August, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Agreement to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-first day of August in the year of our Lord one thousand nine hundred and [SEAL.] fifteen, and of the Independence of the United States of America the one hundred and fortieth.

WOODROW WILSON.

By the President:
ROBERT LANSING,
Secretary of State.

THIRD INTERNATIONAL OPIUM CONFERENCE[1]: FINAL PROTOCOL. PROTOCOL OF RATIFICATION OF THE INTERNATIONAL OPIUM CONVENTION. PROCLAMATION OF THE CONVENTION BY THE UNITED STATES.[2]

File No. 511.4A1/1439.

The Secretary of State to Minister Van Dyke.

No. 73.] DEPARTMENT OF STATE,
Washington, January 13, 1915.

SIR: I enclose herewith a copy of a note[3] from the Minister of the Netherlands at Washington announcing the opening at the Ministry for Foreign Affairs at The Hague of a protocol for signature by the plenipotentiaries of the Governments which have ratified the International Opium Convention. A translation of the protocol is also enclosed.[3]

It appears from your No. 16 of December 10, 1913,[4] that the President's instrument of ratification of this convention was on that day deposited by you with the Government of the Netherlands. It would seem, therefore, necessary for you only to sign the protocol at the Ministry for Foreign Affairs and you are instructed to do this. As

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[1] Continued from For. Rel. 1914, pp. 924.
[2] See also International Conventions.
[3] For. Rel. 1914, p. 925.
[4] For. Rel. 1913, p. 283.

it would appear from the protocol that the convention will go into effect with respect to the United States on the day you sign the protocol, the Department desires you to report to it the date on which you fulfill this formality, at the same time advising it of the names of the other Governments whose plenipotentiaries have likewise signed the protocol.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 511.4A1/1438.

The Secretary of State to the Minister of the Netherlands.

No. 92.] DEPARTMENT OF STATE,
Washington, January 13, 1915.

SIR: I have the honor to acknowledge the receipt of your note of the 17th ultimo, by which you inform the Department, under the instructions of your Government, of the opening of a protocol at the Ministry for Foreign Affairs at The Hague for signature by the plenipotentiaries of the Governments which have ratified the International Opium Convention of January 23, 1912. A copy of this protocol you enclosed for the Department's information.

In reply I have the honor to inform you that the President's instrument of ratification of the convention mentioned was deposited by the American Minister at The Hague with the Government of the Netherlands on December 10, 1913, and that the Minister has now been instructed to sign the protocol of ratification.

Accept [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 511.4A1/1502.

Minister Van Dyke to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
The Hague, February 11, 1915.

145. Your instruction 73, January 13. I have today signed opium protocol, followed by China and Netherlands, representing together 475,000,000 people. No other signatures yet. I advise instruction to American Ambassadors and Ministers, especially in South America, to promote signature by other nations favorably inclined.

VAN DYKE.

File No. 511.4A1/1503.

Minister Van Dyke to the Secretary of State.

No. 204.] AMERICAN LEGATION,
The Hague, February 11, 1915.

SIR: Referring to your instruction No. 73 dated January 13, I have the honor to report that in accordance with its terms I have

today signed the Protocol of the International Opium Convention of 1912, which signature puts the convention into effect with respect to the United States of America from this day. I enclose a printed copy of the protocol in the form in which it has been signed.

The delay of a few days in carrying out your instructions has been due to my efforts to secure the signatures of China and of the Netherlands to the protocol at the same time with the signature of the United States. I am glad to say that these efforts have been entirely successful. The Minister of China and the Netherlands Minister for Foreign Affairs signed the protocol immediately after your representative. These three signatures, which are the only ones so far inscribed, represent four hundred and seventy-five million people.

From conversations which I have had with representatives of various other nations, and from the course of the debate in the Opium Conference of July, 1914, I believe that there are many other countries which will be ready soon to follow. In order to forward this end I respectfully recommend that our diplomatic representatives, and especially those in South American countries, be advised to use their best efforts to promote the early signature of this protocol by the various nations to which they are accredited. It is my opinion that in this event, when the majority of the world is united to prohibit the vicious trade in opium as an intoxicant and to regulate strictly the legitimate commerce in opium as a medicine, a considerable forward step in a matter which is for the good of mankind will have been accomplished, and it will be rendered more effective by measures to exclude from the legitimate commerce those nations which finally refuse to check the vicious trade.

I have [etc.]

HENRY VAN DYKE.

NOTE.—On March 3, 1915, the President proclaimed the International Opium Convention. For the text of the proclamation see International Conventions.

File No. 511.4A1/1503.

The Secretary of State to Minister Van Dyke.

No. 96.] DEPARTMENT OF STATE,
Washington, March 11, 1915.

SIR: The Department acknowledges the receipt of your No. 204 of the 11th ultimo, reporting that you had on that day signed the Protocol putting into force the International Opium Convention of 1912, and enclosing a copy of the protocol, which was also signed on the part of China and the Netherlands.

In reply you are informed that the convention was proclaimed by the President on March 3, 1915, and you are requested so to advise the Netherlands Government. The Department desires you to keep it informed of the signing of the protocol by the plenipotentiaries of other governments.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 511.4A1/1514a.

The Acting Secretary of State to Minister Van Dyke.

[Telegram.]

DEPARTMENT OF STATE,
Washington, September 23, 1915.

200. Ascertain and cable what countries have deposited with Netherlands Government their ratifications of International Opium Convention in accordance with protocol of Second Conference, and what is prospect of deposit of ratifications by other governments; also whether there is any likelihood of any of the governments who have deposited ratifications effectuating the convention as have the United States, China, and the Netherlands.

POLK.

File No. 511.4A1/1514.

Minister Van Dyke to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
The Hague, September 28, 1915.

392. Your 200, September 23. Ratifications of Opium Conference [Convention] deposited by Denmark, Siam, Guatemala, Honduras, Venezuela, Portugal, China, United States, Sweden, Belgium, Italy, Great Britain, Nicaragua, Norway, Brazil, Ecuador, Netherlands. Effectuation accomplished by United States, China, Netherlands, Honduras, Norway. Difficult here to judge present prospect of effectuation by other countries. I believe many favorably inclined but war conditions delay consideration. I renew recommendation of my despatch 204, February 11. Netherlands will cooperate in this if you desire.

VAN DYKE.

NICARAGUA.

PROTEST OF THE UNITED STATES AGAINST THE PRESENCE IN COSTA RICA OF CERTAIN NICARAGUAN REVOLUTIONISTS.

(*See* Costa Rica.)

PROPOSED INTEROCEANIC CANAL TREATY BETWEEN THE UNITED STATES AND NICARAGUA, AND PROTESTS OF SALVADOR AND COSTA RICA IN RELATION THERETO.[1]

File No. 817.812/106b.

The Secretary of State to Minister Hale.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1915.

Have recently had a very pleasant exchange of views with the Costa Rican Minister in regard to the purchase of a canal option. It seems that the friction noticeable in Costa Rica was due to a misunderstanding. When we assured Costa Rica of our willingness to make a treaty with Costa Rica similar to that with Nicaragua we had in view only the purchase of an option but it seems that Costa Rica understood that such a treaty would include the Platt Amendment. Now that they find that we had no thought of including the Platt Amendment, and no desire to do so, all misunderstandings seem to have been removed and I am conferring with the Minister here in regard to the price to be paid and the terms. They have also suggested that they might be willing to sell Cocos Island which lies some two hundred miles west from Costa Rica in the Pacific. Costa Rica finds it impossible to protect the island or to make use of it and is willing to sell. We are willing to buy the island at a reasonable price and can include it in the treaty conveying the canal option. In purchasing the canal option we cannot pay Costa Rica more than we are paying Nicaragua. The three millions which we have agreed to pay Nicaragua covers the naval base in Fonseca Bay as well as the canal route and a much larger part of the canal route is in Nicaragua than in Costa Rica. The indications here are that all misunderstandings have been removed. Do you get the same impression there?

BRYAN.

[1] Continued from For. Rel. 1914, pp. 953–969.

File No. 817.812/106c.

The Secretary of State to Minister Long.

[Telegram.]

DEPARTMENT OF STATE,
Washington, January 28, 1915.

Misunderstanding with Costa Rica removed. When we made treaty with Nicaragua for canal option we offered to make similar treaty with Costa Rica. We had no thought of including the Platt Amendment in the Costa Rica treaty but Costa Rica quite naturally assumed that we wanted to include that amendment because at that time it was included in the tentative treaty with Nicaragua. When the Nicaragua treaty was submitted to the Senate the Platt Amendment was omitted and we are now negotiating with Costa Rica for the purchase of an option on her part of the canal route. Everything seems to be moving along very smoothly with Costa Rica now.

You know that we have agreed to an amendment to the Nicaragua treaty to the effect that nothing in the Nicaragua treaty shall be construed to impair any rights that Costa Rica may have. We are perfectly willing to broaden that amendment so as to include Salvador or any other country, although we regard the amendment as unnecessary because no treaty between us and Nicaragua could impair the rights of any country not a party to the treaty. It occurs to me that Salvador may have misunderstood our proposal when we offered to buy from her a naval base the same as from Nicaragua. While the naval base which we expect to purchase from Nicaragua will be sufficient for our purpose, still, in order to show our impartiality and our desire to treat all nations alike, we are perfectly willing to purchase a naval base from Salvador and also Honduras if they desire to sell. These treaties, of course, would not include the Platt Amendment but merely the lease of a naval base similar to the lease provided for in the Nicaragua treaty. Make it clear to the Government that we do not ask for any such treaty but are perfectly willing to negotiate it if Salvador wishes it; and the same with Honduras. Report attitude of Government and feeling of officials on the subject.

BRYAN.

File No. 817.812/110.

Minister Hale to the Secretary of State.

[Extract.]

No. 63.] AMERICAN LEGATION,
San José, February 3, 1915.

SIR: I have the honor to acknowledge the receipt of Department's telegram of January 28, which reached me the next day. * * * Before I could take the steps necessary to enable me to answer Department's inquiry—namely, if I found the Government here to be in the same state of mind regarding the proposed canal treaty as the Costa Rican Minister at Washington—La Información of February 2 published a page of comment on the subject, which I enclose, with translation. It would seem from the President's reply to La In-

formación's interviewer that he is now of the same mind as when I made known to him the contents of Mr. Bryan's letter to me of July 24. Please see my letter to Mr. Bryan of August 13, in which I made a report of my conversation with the President. * * *

In view of the article from La Información (enclosure 1), I thought it best to address an informal note to the Secretary of Foreign Affairs as in the copy enclosed (enclosure 2). Upon receipt of a reply from the Secretary, I will telegraph its substance to the Department.

I have [etc.]

E. J. HALE.

[Inclosure 1—Translation—Extract.]

[From La Información, Februay 2, 1915.]

In order to obtain accurate information upon this topic we paid a visit yesterday to the President of the Republic, who replied to our questions in a conclusive manner that there are no negotiations pending either to sell or to lease the section of the canal route which belongs to Costa Rica, and that the only thing there has been in regard to this subject is the hint of the American Government, given through its diplomatic representative here and directed toward opening negotiations for the purchase of Costa Rica's rights. To this hint the Government replied that the Costa Rican's attitude is at present that which it has always been; namely, that of being disposed to negotiate, not for money, but on condition that Costa Rica's rights should be appraised by a friendly nation, and that, once appraised, our country should acquire in the canal works rights in proportion to its cost; that is to say, that the country should be a shareholder in the canal route.

That is what the President informed us on the subject, and his words confirm in every respect the information which we had gathered from private sources.

[Inclosure 2.]

Minister Hale to the Secretary for Foreign Affairs.

AMERICAN LEGATION,
San José, February 3, 1915.

MY DEAR MR. SECRETARY: Information from Washington, in the public prints and otherwise, concerns itself with the rights and desires of Costa Rica in relation to the Nicaragua canal route, and I have the honor, most respectfully, to ask that your excellency will state to me informally, but frankly, the views of your excellency's Government on this subject.

I have [etc.]

E. J. HALE.

File No. 817.812/109.

Minister Long to the Secretary of State.

No. 25.] AMERICAN LEGATION,
San Salvador, February 4, 1915.

SIR: The Department's cablegram of January 28, relative to the Nicaraguan canal treaty, arrived on the 29th ult., in a mutilated condition. The local office of the cable company was requested to have the same repeated and the corrected copy was delivered to this Legation February 2, 1915.

Having complied with the instruction contained in the cablegram under acknowledgment, I have the honor to report that the Fonseca

Bay question is probably the most delicate now engaging the attention of the President-elect, the Acting President, and the Minister for Foreign Affairs; and, even in this group, there is a tendency to leave this matter entirely with the President-elect. I feel that with this indication the Department will realize the difficulty of obtaining expressions of opinion from officials. As yet the attitude of the Government has not been communicated to me but I know that the matter is receiving serious consideration and I shall keep the Department informed as to developments.

I have [etc.]

BOAZ W. LONG.

File No. 817.812/108.

[Telegram.]

AMERICAN LEGATION,
San Salvador, February 11, 1915.

The purport of Department's January 28, has been faithfully communicated to President-elect, Acting President, and to the Minister for Foreign Affairs, none of whom have manifested the slightest desire to enter into an arrangement of the nature our Government is willing to make. The internal political effect of this country's protests against the Nicaraguan canal convention and the arguments used prior to the regular presidential elections have been to consolidate public opinion against the making of any such treaty at the present time. From an unofficial but reliable source I learn that the power guiding this Government would like to see public opinion modified now so that later on a different attitude might be assumed. To this end it might be well to begin by including Salvador in the amendment to the treaty with Nicaragua as suggested in the cablegram under acknowledgment. The President and the Minister for Foreign Affairs praised our sense of equity in dealing with Costa Rica as evidenced by the proposed amendment, thus indicating it would be acceptable but without asking that it be extended to Salvador. It seems to me that if Honduras should lease to our Government a naval base in Fonseca Bay it would have a mollifying effect upon this country. Such an arrangement if concluded as soon as possible would be well worth the effort for the effect that it would have upon this Government.

On the whole I see no disposition on the part of this Government openly to withdraw from its original position unless the extension of amendment so as to include Salvador, the securing of a lease from Honduras, and the advent of a new cabinet after the inauguration of the President-elect, should work such a change upon public opinion as to make it possible for Salvador to enter into negotiations.

LONG.

File No. 817.812/111.

Minister Hale to the Secretary of State.

No. 65.] AMERICAN LEGATION,
San José, February 12, 1915.

SIR: Referring to my No. 63 of February 3, I have the honor to enclose a copy and translation of the reply, under date of February 6,

by the Secretary for Foreign Affairs to my informal note of February 3, marked Enclosure 1; and a copy of my informal note in response, of today's date, marked Enclosure 2.

I have [etc.]

E. J. HALE.

[Inclosure 1—Translation.]

The Secretary for Foreign Affairs to Minister Hale.

FOREIGN OFFICE,
San José, February 6, 1915.

MY DEAR SIR AND FRIEND: I have the pleasure to refer to the communication which, under date of the 3d instant, your excellency addressed to me requesting that informally but frankly I should tell you what my Government thinks about the canal concession granted by Nicaragua to the United States.

I have not the slightest hesitancy in complying with your wish; on the contrary, I feel especial satisfaction in so doing, because I can thus dispel from your excellency's mind certain erroneous constructions which for some days I have been noting in the cable despatches sent by the United Press.

Costa Rica's attitude in regard to this matter cannot at the present time be other than that stated by our Minister in Washington, Mr. Joaquin Calvo, in the note which he presented to the Department of State on April 17, 1913.[2]

In this document, which appears in the Report published the same year by this Ministry, Mr. Calvo, in the name of my Government, presents a formal protest to the American Government against the conclusion of the Chamorro-Weitzel treaty on the ground that the said treaty had been agreed upon without one of the parties, Nicaragua, having the power so to do, and that the other, the United States, was cognizant of this incapacity.

In fact, Article 8 of the treaty celebrated between Costa Rica and Nicaragua on April 15, 1858—a treaty the validity of which was declared by President Cleveland—stipulates clearly and definitely that the Republic of Nicaragua cannot conclude any convention in regard to canalization or transit without hearing previously the opinion of Costa Rica, and that this opinion would cease to be merely consultative if such a convention should directly affect the natural rights of the latter.

The conclusion, therefore, of a treaty of this nature can not be brought about without Costa Rica saying first what it thinks in regard to the question, and as long as this indispensable requisite has not been complied with, my Government can only maintain the same attitude of protest which it adopted in 1913.

The foregoing does not mean that my Government is on principle opposed to the idea of the construction of a canal through part of its territory. No; my Government understands perfectly the responsibility toward civilization that it would contract if it prohibited the opening of a new oceanic route to the service of the world's commerce.

My Government, on the other hand, is only too well aware of the impossibility it encounters of undertaking with its own resources an enterprise of such magnitude, and consequently is entirely willing that it should be another and more powerful nation which engages in accomplishing it.

My Government also takes full account of the interest which, for the United States much more than for any other Power, the building of a new route parallel to the Panama route possesses.

Now, granted the extremely cordial relations which at all times have existed between this and the powerful American Government, the thousand reasons whereby that great nation has won our gratitude, sympathy and esteem, my Government could look only with marked pleasure upon that nation being the proprietor of the work.

My Government, therefore, would never be opposed to negotiating a canal concession with that of the United States; indeed not. Only, what my Government desires is that this negotiation should be conducted in accordance with the stipulations of valid treaties and with what the very nature of the matter imposes.

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[2] For Rel. 1913, p. 1022.

That is to say: The treaty, if one is to be concluded, must be with the concurrence of Costa Rica and Nicaragua; its conditions will have to be discussed and approved by both countries; in this way, and only in this way, would the United States be able to acquire a canal concession clear from all blot.

Such, Mr. Minister, is the point of view from which my Government regards the question. I have set it forth with the frankness your excellency desired, congratulating myself very sincerely that the informal character of this communication, suggested by your excellency, should have permitted me to show you, with all clearness and without euphemisms of any sort, what, exactly, is our way of feeling in this matter.

This opportunity affords me [etc.]

MANUEL CASTRO QUESADA.

[Inclosure 2.]

Minister Hale to the Secretary for Foreign Affairs.

AMERICAN LEGATION,
San José, February 12, 1915.

MY DEAR MR. SECRETARY: I have the honor to acknowledge the receipt of your excellency's courteous note of the 6th instant in reply to mine of the 3d.

Your excellency refers to the rights and obligations of the Republic of Costa Rica in relation to the Nicaragua canal route; but in view of the message which I brought to your excellency's Government when I presented my credentials in August 1913, namely that my Government desired that the relations between the two countries should be based on mutual advantage only, I have been at a loss to understand the friction which the subject under consideration has provoked.

It seems, however, from recent conversations at Washington between the Secretary of State and the Minister of your excellency's Government there, that the friction noticeable here was due to a misunderstanding. When my Government assured Costa Rica of its willingness to make a treaty with Costa Rica similar to that with Nicaragua, it had in view only the purchase of an option; but it appears that Costa Rica understood that such a treaty would include what is known as the "Platt Amendment." I am able to assure your excellency that my Government had no thought of including the "Platt Amendment" in its proposition, and no desire to do so.

My information is that all misunderstanding has been removed at Washington and that the only question remains as to the price and the terms of the option in question.

It is also understood that your excellency's Government might be willing to sell the island of Cocos, which lies some two hundred miles west from Costa Rica in the Pacific Ocean, in view of its uselessness to the Republic of Costa Rica. My Government is willing to buy the island at a reasonable price and to include it in the treaty conveying the canal option.

I will thank your excellency if you shall find it convenient, in accordance with the informal character of this correspondence, to make known to me the views of your excellency's Government on the subjects just mentioned.

I avail [etc.]

E. J. HALE.

File No. 817.812/119.

Minister Hale to the Secretary of State.

[Extract.]

No. 68.] AMERICAN LEGATION,
San José, February 27, 1915.

SIR: I have the honor to enclose a copy and translation of the reply, dated February 19, of the Secretary for Foreign Affairs to my note of February 12. A copy of the latter and of the previous correspondence was transmitted to the Department in my dispatches No. 63 of February 3, and No. 65 of February 12.

The note now enclosed was not received in time for translation and transmission by the last mail (February 22). Meanwhile, a study of the situation, as developed so far, caused me to withhold a reply until I could hear from the Department in relation to the new phase of the question presented by the Secretary. It appears that the Costa Rican Government regards the sale of an option in perpetuity of the right to construct a canal as a fundamental objection to the proposition of our Government. It holds the sale of such an option as equivalent to entering into a contract for the non-construction of a canal, and that in territory which nature has designed for the use of the commerce of the world and of which the sovereign State of Costa Rica happens to be possessor. It offers, however, a solution of the difficulty from its standpoint in its suggestion of a "prudential term—fifty years, for instance—for the inauguration of the works, and another, proportional, for their completion."

I have [etc.]

E. J. HALE.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Minister Hale.

FOREIGN OFFICE,
San José, February 19, 1915.

MR. MINISTER AND DEAR FRIEND: With the attention which it deserves I have considered your important letter of the 12th instant.

I note with regret that, owing no doubt to my faulty diction, I was not able to make myself understood by your excellency when in my letter of the 6th I endeavored to explain the attitude of my Government in relation to the Nicaragua canal concession.

And I say that I was not able to succeed in making myself understood because your excellency, in the letter which I am answering today, expresses the idea that the entire question has been reduced to the point of our two Governments coming to an agreement as to the amount of the indemnification which Costa Rica is to receive.

And, unfortunately, this is not the case, Mr. Minister. If the entire difficulty were reduced solely to the question of a greater or a lesser sum, I can assure your excellency that my Government would not at any moment have adopted the attitude of protest which it has assumed; it would have contented itself simply with discussing the transaction from this one point of view, endeavoring, as is natural, that it should turn out the most favorable possible to the interests of the Republic.

But the matter embraces other considerations of much greater importance than the amount of an indemnification. In the first place, it is a question of an infraction of treaties in force, of a neglect of the rights of Costa Rica which has deeply offended national feeling. The form in which the negotiation has been conducted with Nicaragua, dispensing with the concourse of Costa Rica, has been considered by the latter as wounding, as offensive to its dignity. It is a question of form, Mr. Minister; a question which does not in the least affect essentials—of that I am fully convinced—but which, for peoples small and for that reason suspicious, is invested with unusual importance.

Through the statements in regard to the subject which President Wilson and Secretary Bryan have been pleased to make to our Minister in Washington, Mr. Brenes Mesén, and your excellency to myself, in the friendly correspondence which we are carrying on in this connection, I have come to acquire the complete, the perfect conviction that there has not been in the mind of the American Government the slightest disrespectful intention towards my country, in the matter of its concluding, without notice to us, a canal convention with the Nicaraguan Government.

It is very pleasant and agreeable for me to point out, at this timely moment, that the sentiments of good will and exquisite courtesy with which at all times

the great nation has distinguished us, have in no respect diminished because of the negotiation to which I have been referring.

This very just and true impression of mine will, I hope, little by little permeate public opinion, thus causing to disappear one of the motives which to the greatest extent would have attached unpopularity to the possible convention.

The second point, which would have rendered the agreement not only difficult but impossible, relates to the Platt Amendment; but this, as your excellency makes very clear, no longer appears in the new protocol and is therefore dismissed from the discussion.

There remains, then, only the sale pure and simple which the Government of Nicaragua is making to that of the United States of the exclusive ownership of the rights necessary and proper for the construction, operation and maintenance of an interoceanic canal by way of the San Juan River and the Great Lake of Nicaragua, or by any other way within Nicaragua territory, a work which will be begun when the United States may be pleased to set a date. In addition to this sale of rights in perpetuity, Nicaragua gives to the United States an option for a period of ninety-nine years, renewable for a like period, for establishing in divers islands and parts of its territory a naval base and other works in connection with the conservation and maintenance of the canal.

The conditions under which Costa Rica would have to negotiate could not differ greatly from those stipulated with Nicaragua, and I sincerely believe there would not be found any Legislative Chamber in Costa Rica that would approve it nor any Executive Power that would venture to submit it.

The reason is obvious. As I had the honor to set forth to your excellency in my former communication, Costa Rica would celebrate with inexpressible satisfaction a convention for the construction of a canal, but not one expressly for the non-construction thereof, and the one that Nicaragua has concluded with the United States may be considered as in reality of this character.

Costa Rica could not treat on these grounds. It fully understands that this is not the most opportune moment for the United States, which has just crowned the great Panama enterprise, to endeavor to achieve another no less costly.

But it is possible to arrive at a reasonable arrangement. I do not see what fundamental objection there would be to fixing a prudential term—fifty years, for instance—for the inauguration of the works, and another, proportional, for their completion.

Costica Rica, Mr. Minister, however small and reduced in circumstances it may be, figures in the world concert as a sovereign nation and could not, without intensely wronging the legitimate interests of civilization, conclude a convention capable of being converted into an insurmountable barrier against those who tomorrow may attempt to open a new route to the world's commerce.

I ask you, Mr. Minister, to sever yourself for a moment from your high position as Representative of the American Government and place yourself in the position of an absolutely impartial individual. I am sure that your impartiality would make you appreciate the matter in the same way that a Costa Rican views it.

As your excellency can see, therefore, the question is not limited merely to a greater or lesser sum of money; no; the question is very complex, very difficult to solve in a way which would fully satisfy the desires and aspirations of both sides.

Nevertheless, I do not believe it impossible to solve; far from it. Sufficient to render it not impossible of solution are the real and effective good will which the American Government displays for its solution and the very sincere desire to the same end which animates my own Government.

With the foregoing explanations, it seems to me superfluous to state to your excellency that, taking into consideration the present status of the affair, I am not in a position to reply to the question you are pleased to ask me, as to how much would be the amount that the Government of Costa Rica would ask for its rights. This point of the question I could not treat of without having arrived at an agreement relative to the others.

Nevertheless, and with the object of gaining time, I consider that perhaps it would be opportune for your excellency to make me—still in the informal way thus far followed—a concrete offer on the subject.

It will not escape your excellency's clear judgment that a liberal offer, in which public opinion might see the way to overcome in great measure the thousand financial difficulties through which we are passing, would perforce tend to mitigate to a notable degree the open hostility which, because of its

form and because of the erroneous interpretations which were at first given to it, the negotiation encountered among Costa Ricans.

Purposely, Mr. Minister, I have not wished to refer before to the intimation which your excellency had been pleased to give me in regard to Cocos Island. The reasons which have so determined me are two; first, that my Government has not as yet had time to consider the matter and, second, that I do not wish to involve the one question in the other; they are perfectly distinct and have not any real connection.

Requesting that your excellency will pardon me for having so greatly trespassed upon your courtesy with the reading of this long letter, I take pleasure in again declaring myself [etc.]

MANUEL CASTRO QUESADA.

File No. 817.812/115.

Minister Jefferson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Managua, March 1, 1915.

Discussing Fonseca Bay with Captain Senn of the U. S. S. *Chattanooga* and with President Díaz, the desire was expressed that we might proceed to Fonseca Bay on the U. S. S. *Chattanooga* for a trip of inspection of about three days, and accordingly I would request permission from the Navy Department to invite President Díaz to accompany us. President Díaz has already expressed to me his strong desire to take this trip, having never been there.

JEFFERSON.

File No. 817.812/115.

The Secretary of State to Minister Jefferson.

[Telegrams.]

DEPARTMENT OF STATE,
Washington, March 5, 1915.

Your March 1, Navy Department has been requested to instruct Commanding Officer of the *Chattanooga* to convey President Díaz for inspection trip of Fonseca Bay.

BRYAN.

File No. 817.812/117b.

DEPARTMENT OF STATE,
Washington, March 6, 1915.

Have just sent to Minister Chamorro here the following letter:

DEPARTMENT OF STATE,
Washington, March 4, 1915.

MY DEAR MR. MINISTER: Please express to your Government the deep regret which the President and I feel at the delay which has occurred in the ratification of what is known as the Canal Treaty between this country and Nicaragua.

We have no doubt that considerably more than two-thirds of the Senate favor the ratification of the treaty, but the rules of the Senate are of such a character and the pressure of domestic legislation of the greatest importance has been such that it has really been impossible to secure a vote on the treaty. The European war has created conditions which had to be dealt with at once.

For several days the President has revolved in his mind the advisability of calling a special session of the Senate but, as you know, this Congress has been in session almost continuously since its first assembling, much longer than

any former Congress; and the members of both the Senate and House are greatly fatigued. The situation was not such as to make a special session advisable.

I share the President's confidence that the treaty will be ratified when Congress again convenes, and we hope that your Government and people will understand the situation here and not become impatient.

Accept, my dear Mr. Minister, the renewed assurances of my highest consideration.

W. J. BRYAN.

Please deliver a copy to the Foreign Office as an explanation of delay in ratification of treaty.

BRYAN.

File No. 817.812/120.

The Minister of Nicaragua to the Secretary of State.

[Translation.]

LEGATION OF NICARAGUA,
Washington, March 12, 1915.

EXCELLENCY: I have the honor to reply to the esteemed note [3] of your excellency, dated the 4th instant, and to inform you that I have with the most interested attention apprised myself of its contents, which I have in due form transcribed to my Government.

There pertains to me the duty of informing your excellency that the Government and the people of Nicaragua regret that the canal treaty pending between the United States and Nicaragua was not submitted for the deliberation of the Senate in its session just closed. Relying on the opinion of President Wilson and of your excellency, that the treaty may count upon more than a two-thirds vote in its favor, they have no doubt that the Senate will ratify the treaty in its next session; and it has been a satisfaction to know that the real cause of the delay has been due only to the accumulation of work in the Senate and the expedience of not calling an extra session of Congress.

For my own part I can assure your excellency that I personally feel the same confidence, founded principally upon the expressions of your excellency in your note of March 4th, last, above referred to.

I take [etc.]

EMILIANO CHAMORRO.

File No. 817.812/125.

Minister Jefferson to the Secretary of State.

No. 153.] AMERICAN EMBASSY,
Managua, March 13, 1915.

SIR: I have the honor to acknowledge the receipt of the Department's telegram of March 6, transmitting a copy of the letter sent to General Chamorro, Minister of Nicaragua at Washington, expressing the deep regret felt by the President and the Secretary of State at the delay which has occurred in the ratification of the canal treaty with Nicaragua and expressing confidence that the treaty will be ratified at the next session of Congress.

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[3] Embodied in the telegram of March 6 to Mr. Jefferson.

In reply I have the honor to report that I have communicated this telegram to the Foreign Office, as directed in the instructions, and also to President Díaz, from whom I have received the following reply, which I have the honor to incorporate with this despatch:

CORRESPONDENCIA PARTICULAR DEL PRESIDENTE DE LA REPÚBLICA,
Managua, March 8, 1915.

MY DEAR MR. JEFFERSON: I thank you so much for your kind letter enclosing the important cablegram from Mr. Bryan, which I have read with the utmost interest.

I realize the great and continual efforts made by President Wilson and Secretary Bryan on the passing of the canal convention, and you can assure both that, duly appreciating their friendly and strenuous work, and the circumstances mentioned by Secretary Bryan in his despatch to the Legation above referred to, the people and Government of Nicaragua will wait patiently and confidently till the meeting of the next Congress, for the final and satisfactory solution of this question, in accordance with the advices and assurances of Secretary Bryan.

At the same time, it is really gratifying to me to extend these cordial appreciations to yourself who diligently acting in a praiseworthy manner, in faithful harmony with the good intentions of President Wilson and of Secretary Bryan, have proved to be as excellent a friend of Nicaragua as the Chief Executive and the Secretary of State of the United States.

Please accept, dear Dr. Jefferson, the tokens of my highest and most distinguished consideration.

Sincerely Yours,

ADOLFO DÍAZ.

I have [etc.]

BENJAMIN L. JEFFERSON.

File No. 817.812/122.

Minister Jefferson to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Managua, March 18, 1915.

Presidential party and myself left Tuesday on United States ship *Chattanooga* on trip of inspection of Fonseca Bay and returned to Managua today. Trip a very instructive one and President Díaz expressed himself as being unusually pleased with the opportunity of visiting this much-discussed region and with the courtesy and hospitality of Captain Senn. Nicaraguan people in general seem to be deeply interested in the trip and greeted cordially on the way. I shall report in detail by mail.

JEFFERSON.

File No. 817.812/130.

Minister Jefferson to the Secretary of State.[4]

[Extract.]

No. 155.] AMERICAN LEGATION,
Managua, March 21, 1915.

SIR: Referring to my telegram of March 1, and to the Department's reply of March 5, I have the honor to report that the proposed trip

[4] Receipt acknowledged April 19, 1915.

took place on the 16th to the 18th of this month. The party consisted of the President of Nicaragua and Dr. J. Andrés Urtecho, his Minister of War and Navy, together with myself and Mr. Wicker, the Secretary of the Legation, and Captain P. M. Rixey and Dr. Bobbitt of the Legation Guard. * * *

The President seemed delighted with the experience, and I may add that this was not only his first visit to that region but also was the first time he had left Managua for over four years; that is, ever since he became President; and I am of the opinion that the pleasure and success of this trip and the expression of confidence and friendly feeling toward the United States of the President in thus accepting the courtesy of the American naval officers, to say nothing of the importance of a personal acquaintance by the President with the geographical location and strategical position of the bay in question, will prove of greatest benefit to the future relations between the United States and this Republic.

Although the subject has been often reported upon and with great detail to other Departments of the Government, I have also the honor to express my opinion as to the extreme advisability at this present time of the Department's making definite arrangements with the three Republics fronting upon this Bay of Fonseca with a view to establishing a United States naval base there and particularly toward precluding any other nations from securing a similar foothold in this important region.

Fonseca Bay occupies a deep indentation some thirty miles broad by eighteen deep in the otherwise almost unbroken Pacific coast line of Central America. The entrance is marked by the two volcanos of Conchagua in El Salvador and Coseguina in Nicaragua, about 18 miles apart, with the island of Meanguera, belonging to El Salvador, almost midway between. The three Republics of Nicaragua, Honduras and El Salvador all border upon this bay, Nicaragua being to the southeast, Honduras to the east, and El Salvador to the north and northwest. The islands in the bay are divided among these Republics respectively. To the northeast of the island of Meanguera, and also controlling the bay and its entrance, is Tigre Island, belonging to Honduras, with an elevation of 2,500 feet as compared with that of 1,200 feet for Meanguera. This latter is composed of a number of shattered volcanic craters, and is uninhabited. Tigre Island is a perfect volcanic cone, on the northern side of which is the town of Amapala, the principal port of Honduras, guarded by a fort.

I have [etc.]

BENJAMIN L. JEFFERSON.

File No. 817.812/123.

Minister Long to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
San Salvador, March 26, 1915.

About a week ago the President unofficially and most confidentially expressed his personal desire that a course might be adopted by us which would enable all the countries of Central America harmo-

niously to join the United States in some alliance, possibly an offensive and defensive one, so drawn as to concede our desires for a coaling station in some form and manner calculated to assuage those fearful lest the naval base feature of the Nicaragua canal convention should involve their autonomy.

On March 23, the President added that "when the United States fully realizes that money for a naval station in Fonseca Bay is not attractive to Salvadorans in the light of present sensitive state, I hope it will consider the adoption of other powers to obtain its ends and of other methods for compensating Salvador. Central American countries sorely need many things which your Government can supply."

Replies to my efforts to elicit a clear statement of just what Salvador desires convince me that no definite plan exists but that this country's Chief Executive hopes, if his country enters into a treaty granting a naval station, that Salvador may receive in return as many as are obtainable of the following requisites to her future development: First, to have Salvador put on a gold basis; second, to have established here an American bank of large capital; third, to have established at the station an American school free to certain male students of Central America where the English language, industrial, agricultural, economic and business courses would be taught and possibly elementary military training given; remaining desires follow by mail tomorrow.

I then asked whether he thought it would be opportune, in case my Government was disposed to invite Central American countries to a naval-station conference, to hold the same at Washington during and after the Financial Conference in May. He thought the idea excellent. * * *

It would seem that the alliance, which it is thought would result from one or more conferences, might be made to include, freely given, the naval base desired and beneficent forms of compensation far more comprehensive in their future effect upon Central American develment than mere payments of money; provided other Central American Governments can be brought to think as Salvador appears to be doing now. * * * President Meléndez believes officially the initiative should remain with the United States.

LONG.

File No. 817.812/129.

Minister Long to the Secretary of State.

[Extract.]

No. 37.] AMERICAN LEGATION,
San Salvador, March 27, 1915.

SIR: Referring to this Legation's cablegram of March 26, I have the honor to report that * * * it is safe to say that this Government has no fixed plan as to what it will finally expect in return for joining its neighbors in granting a naval base in Fonseca Bay; but to its desires enumerated in yesterday's cablegram should be added—Fourth, to have established, and maintained until railway lines connected at least three of the five countries, regular rapid

small ship communication to convey mail, passengers, and their baggage between Pacific Coast ports of Central America; fifth, to have established and maintained along the coast of Salvador modern lighthouses; sixth, to have established and maintained in Salvador wireless stations of sufficient power to communicate with Panama.

I think it is not expected that all these desires should be granted without cost to the Government; some of them would undoubtedly be expected as compensation, but after a conference and a general understanding regarding the basic points the minor ones could be dealt with satisfactorily. * * *

I have [etc.]

BOAZ W. LONG.

File No. 817.812/123.

The Secretary of State to Minister Long.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 4, 1915.

Your telegram in regard to the possibility of securing from Salvador the lease of land for a naval base in return for certain advantages to be afforded in the establishment of a university there has been considered by the President and you are directed to communicate with the Foreign Office and secure from them the outline of such a proposition as would be favored by them. This Government is disposed to give favorable consideration to the plan and appreciates the high purpose which actuates the Salvadoran Government. While we are not in a position to give financial assistance as a government, we hope that American financiers, when their attention is called to the matter, will be willing to furnish the capital necessary for the bank and for the reorganization of the financial system of the country. The President is disposed favorably to consider a treaty having in view the acquiring of the site for a naval base, this Government in return to establish a college or university open and free to the young men of Salvador. Please inquire whether Salvador would have any objection to our making the same provision with Honduras in case that country desired to enter into a similar treaty. Also as to whether there would be any objection to having young men from other Latin American republics admitted to the institution. We take it for granted that Salvador would not object to others being admitted provided accommodations were sufficient. We shall be pleased to receive an outline of the plan which the Government of Salvador has in mind.

BRYAN.

File No. 817.812/131.

Minister Long to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
San Salvador, April 9, 1915.

Department's April 4. The President expressed gratification that our Government was disposed to consider favorably his [omission in

transmission]. * * * While discussing in some detail the school, he expressed the opinion that all Central America should enjoy the privilege of entering its students under certain rules and regulations.

He made clear, however, that his first and greatest desire was to see Salvador put on a gold basis, and thought the matter could be arranged. * * *

LONG.

File No. 817.812/141.

The British Ambassador to the Secretary of State.

No. 393.] BRITISH EMBASSY,
Washington, October 28, 1915.

SIR: In 1912 an agreement was concluded by His Majesty's Government and the Nicaraguan Government by which the latter formally agreed to pay to His Majesty's Government the sums of £15,800 in settlement of outstanding claims of British subjects prior to that date, also of £4,000 for claims arising out of the revolution of 1912, i. e., a total of £19,800, together with accrued interest. These claims were all for compensation on account of illegal and arbitrary treatment or damage to property.

His Majesty's Government have hitherto forborne from pressing for payment of these sums in view of the assurances frequently repeated verbally and in writing by the Nicaraguan Government to His Majesty's diplomatic and consular representatives that the amounts would be paid out of the first money receivable by the Nicaraguan Government.

It would appear that in the course of the past 12 months agreements have been entered upon between the Nicaraguan Government and American bankers providing for the disposal of part of the three million dollars to be received by Nicaragua from the United States under the Treaty of August 5, 1914, when ratified. Amongst others, the Nicaraguan Official Gazette of August 26 last (No. 194) published the text of two contracts signed in New York on July 16, 1915, between the Nicaraguan Government and the National Bank of Nicaragua and Messrs. Brown Brothers and Company and J. W. Seligman and Company which contain clauses authorizing and commissioning the United States Government to pay certain liabilities direct to the interested parties out of the three million dollars in question. The amount of liabilities so far incurred for payments out of this sum is not clear, but it is thought that it may exceed three million dollars.

In view of the priority of the British claims above mentioned recognized by a formal agreement between His Majesty's Government and the Nicaraguan Government, I have the honor, under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, to enter hereby a caveat against the payment by the United States Government to the Nicaraguan Government of the three million dollars provided in the American-Nicaraguan Treaty without any provision being made for the settlement of the British claims in question.

I should add that there are other claims for goods or money supplied by British subjects to the Nicaraguan Government which were

not provided for in the Anglo-Nicaraguan Agreement of 1912, as they have never been disputed by the Nicaraguan Government and for the payment of some of which assurances have also been given by the Nicaraguan Government that they would be met out of the first money received by them.

I have [etc.]

CECIL SPRING RICE.

PROTECTION BY THE AMERICAN LEGATION OF CHINESE CITIZENS RESIDING IN NICARAGUA.

File No. 704.9317/9.

Minister Jefferson to the Secretary of State.

No. 162.] AMERICAN LEGATION,
Managua, May 17, 1915.

SIR: I have the honor to enclose herewith for the Department's information a copy of a note received from the Chinese residents of Nicaragua addressed to this Legation in relation to advices that they received through their Consul General in San Francisco, California. The substance of the communication is as follows:

That his excellency the Chinese Minister in Washington had conferred with the Department of State relative to this Legation lending aid to the several Chinese citizens now residing in Nicaragua in case of needed protection to life and property; also making enquiry if the Legation had received a recent communication from the Department of State bearing upon this matter.

While for sometime past the Legation has used its good offices in behalf of the Chinese residents of Nicaragua, should like to be informed if the Department has other instructions to communicate regarding this matter.

I have [etc.]

BENJAMIN L. JEFFERSON.

[Inclosure 1—Translation.]

Certain Chinese residents of Nicaragua to Minister Jefferson.

MANAGUA, *May 17, 1915.*

MR. MINISTER: The undersigned Chinese citizens, now residing in this Republic, wish to call to the attention of your excellency that we have received a note from our Consul General in San Francisco, California, advising us that the Chinese Minister of the Republic of China residing in Washington had obtained from the Secretary of State of the United States the protection of our lives and interest in this country in case of necessity, to which we have called your excellency's attention in order that results might be effectuated.

In virtue of which, we most respectfully come to ask your excellency if you have already received the above-mentioned instructions, in order to appear before your excellency in demand of protection in case of necessity.

We are [etc.]

P. P. QUAN ON LON AND CO.
[and eleven other signatures.]

[Inclosure 2.]

Minister Jefferson to certain Chinese residents of Nicaragua.

AMERICAN LEGATION,
Managua, May 15, 1915.

GENTLEMEN: Referring to your note of May 1, with regard to certain instructions concerning Chinese citizens [etc.]

In reply I have the honor to inform you that up to the present time I have not received such instructions from my Government, but will take pleasure in laying the contents of your note before the Department of State of the United States.

I am [etc.]

BENJAMIN L. JEFFERSON.

File No. 704.9317/9.

The Secretary of State to Minister Jefferson.

No. 53.] DEPARTMENT OF STATE,
Washington, July 6, 1915.

SIR: The Department is in receipt of your despatch No. 162 of May 17 last, enclosing a copy of a memorial addressed to you by a number of Chinese citizens, residing in Nicaragua, in which they say that they have been informed that this Government had promised the Chinese Minister in Washington that it would extend its protection to Chinese citizens and their property in Nicaragua, in case the need for such protection should arise.

You state that for sometime past the Legation has used its good offices in behalf of Chinese residents in Nicaragua, but that you would like to be informed whether the Department has other instructions to give you in the matter.

In reply you are informed that the representations of the Chinese memorialists are correct, and that you should be guided by the Department's instruction No. 114, of July 15, 1908, to Minister Coolidge (see Foreign Relations of the United States, for 1908, page 661).[5]

I am [etc.]

ROBERT LANSING.

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[5] Instruction No. 114 of July 15, 1908, says in part:

"You will accordingly take under the protection of the Legation at Managua Chinese subjects and their interests in Nicaragua in the way pointed out in instructions Nos. 470 and 535, dated respectively July 3, 1896, and February 6, 1897, to Minister Baker.

Instruction No. 470 was not printed. It reads as follows (Instructions: Central America, vol. 26, p. 651):

"No. 470.] DEPARTMENT OF STATE,
Washington, July 3, 1896.

"SIR: I enclose herewith copy of a note from the Chinese Minister at Washington, who asks, in consequence of the absence of any treaty relations of China with Nicaragua and Salvador permitting China to appoint consular representatives, that you and our consular officers may be allowed to exercise your and their good offices in behalf of the Chinese subjects living in those Republics.

"Your efforts are to be confined to the friendly intervention in case of need for the protection of the Chinese in their person and property from unjust and harsh treatment. You are not to hold any representative character or function as respects the Chinese Government, and are to act informally. Before taking any steps in the matter, however, you should represent to the Governments of Nicaragua and Salvador, respectively, the wish of the Chinese Government and the willingness of your Government to accede thereto, as herein indicated, provided the assent of the authorities of Nicaragua and Salvador is entirely favorable.

"Their decisions upon the subject should be reported to the Department.

"I am [etc.]

"WM. WOODWARD BALDWIN,
"Acting Secretary."

Instruction No. 535, after referring to No. 470, deals specifically with the necessity for certification, by a competent agent of the Chinese Government, of the Chinese citizenship of certain petitioners in Salvador, and proceeds as follows:

File No. 704.9317/10.

Minister Jefferson to the Secretary of State.

No. 186.] AMERICAN LEGATION,
Managua, August 7, 1915.

SIR: I have the honor to acknowledge the receipt of the Department's No. 53, replying to my No. 162 of May 17 last, informing me that the Chinese memorialists are correct in soliciting the assistance of this Legation as pointed out in previous instructions to Minister Coolidge, No. 114, of July 15, 1908. I have the honor to enclose herewith a copy of my note to Chinese citizens in Nicaragua in reply to their note to this Legation under date of May 1, 1915.

I have [etc.]

BENJAMIN L. JEFFERSON.

[Inclosure.]

Minister Jefferson to certain Chinese residents of Nicaragua.

AMERICAN LEGATION,
Managua, August 7, 1915.

GENTLEMEN: Referring to your communication of May 1, last, respecting the exercise of the friendly offices of this Legation to Chinese subjects residing in Nicaragua. In reply I have the honor to inform you that I am in receipt of a communication from my Government directing me to exercise the good offices of this Legation in behalf of the Chinese subjects in this Republic in the event the need of protection to life or property should arise, acting in accordance with a previous arrangement made between the Department of the United States [sic] and his excellency, Mr. Yang Yu, Chinese Minister in Washington, the Government of Nicaragua acquiescing.

Accept [etc.]

BENJAMIN L. JEFFERSON.

"This [necessity for such certification] being so, a form of certificate to be used by you and the Consul at San Salvador should be prepared in consultation with the Salvador Minister of Foreign Affairs, in order that it may correctly express the character of the protection afforded and the degree to which it is recognized by Salvador. Something like this would probably suffice:

"'I, * * *, of the United States of America, certify that * * * claims to be a subject of the Emperor of China, resident in Salvador, and that upon proving his status as such Chinese subject he is under the protection of the Government of the United States and entitled to the good offices of the diplomatic and consular officers thereof in case of need, in pursuance of an understanding between the Governments of Salvador and China to that end.'

"Similar action should be taken as regards Nicaragua, who your No. 687 of August 21 last reported had likewise conceded the exercise of your good offices.

"You will inform the Consul at San Salvador of the situation and send him a copy of this instruction.

I am [etc.] RICHARD OLNEY.

93072°—F R 1915——71

NORWAY.

AGREEMENT BETWEEN THE UNITED STATES AND NORWAY EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE 2 OF THE TREATY OF JUNE 24, 1914, EFFECTED BY EXCHANGE OF NOTES.

Treaty Series No. 599½.]

The Secretary of State to the Norwegian Minister.

DEPARTMENT OF STATE,
Washington, January 7, 1915.

MY DEAR MR. MINISTER: Replying to your Government's telegram, of January 4, 1915, and communicated to this Department on January 7, 1915, I beg to suggest that the two Governments agree that unless the appointment of the Commission is completed by February 21, 1915, the time be extended by mutual agreement until the contracting parties are able to complete the selection.

If your Government agrees to this, a favorable answer taken in connection with this note will be regarded as an agreement.

Accept, excellency, the renewed assurances of my highest consideration.

W. J. BRYAN.

The Norwegian Minister to the Secretary of State.

LEGATION OF NORWAY,
Washington, January 12, 1915.

MR. SECRETARY OF STATE: In the note your excellency addressed to me on the 7th instant your excellency suggested that the Norwegian and the American Governments agree that unless the appointment of the Commission mentioned in Art. II of the Treaty signed on June 24, 1914, is completed by February 21, 1915, the time be extended by mutual agreement until the contracting parties are able to complete the selection.

Your excellency added that if the Norwegian Government agrees to this, a favorable answer taken in connection with the said note would be regarded as an agreement.

In reply to the said note I have been instructed by my Government to inform your excellency that my Government agrees to the suggestions set forth in the note, and that an agreement thus is concluded.

Please accept, Mr. Secretary of State, the assurances of my highest consideration.

H. BRYN.

PANAMA.

CONVENTION BETWEEN THE UNITED STATES AND PANAMA DEFINING THE BOUNDARY LINE OF THE PANAMA CANAL ZONE.

Signed at Panama, September 2, 1914; ratification advised by the Senate, October 22, 1914; ratified by the President, January 4, 1915; ratified by Panama, February 8, 1915; ratifications exchanged at Panama, February 11, 1915; proclaimed, February 18, 1915.

Treaty Series No. 610.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and the Republic of Panama defining the boundary line of the Panama Canal Zone, was concluded and signed by their respective Plenipotentiaries at the City of Panama on the second day of September, one thousand nine hundred and fourteen, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

BOUNDARY CONVENTION.

Whereas, Gen. George W. Davis, then Governor of the Canal Zone, on behalf of the United States of America, and Messrs. Tomás Arias and Ramón Valdés López, then Secretary of Foreign Affairs and Attorney General, respectively, of the Republic of Panama, acting on behalf of that Republic, entered into an agreement on the 15th day of June, 1904, by the terms of which the Republic of Panama delivered over to the United States of America, the use, occupation, and control in perpetuity of the zone of land ten miles in width described and mentioned in articles II and III of the Canal Treaty between the United States of America and the Republic of Panama, dated November 18, 1903, and the boundary lines of said zone, as well as those of the cities of Panama and Colon and their adjacent harbors, were subsequently located upon the ground and monumented:

And, whereas, the President of the Republic of Panama, by decree number 46 of May 17, 1912, delivered over to the United States the use, occupation, and control of the areas of land to be covered by the waters of Lake Gatun and all that part of the shores of the lake up to an elevation of one hundred feet above sea level, in conformity with articles II and III of said Canal Treaty:

And whereas, since the promulgation of said decree of May 17, 1912, the United States, in conformity with the said articles of said Treaty, have taken over the use, occupation, and control of the

islands in said Lake Gatun and the peninsulas bordering on said lake to which there is no access except from said lake or from lands within the jurisdiction of the Canal Zone;

Now, therefore, the Government of the United States and the Republic of Panama being desirous to establish permanently the boundary lines of the above-mentioned lands and waters so taken over by the United States, to that end have resolved to enter into the following agreement, for which purpose the President of the United States of America has commissioned His Excellency William Jennings Price, Envoy Extraordinary and Minister Plenipotentiary of the United States to the Government of Panama, and the President of the Republic of Panama has commissioned His Excellency Ernesto T. Lefevre, Secretary of State in the office of Foreign Affairs of the Republic of Panama, who, having exchanged their respective full powers, have entered into the following boundary convention:

I.

It is agreed that the boundary lines of the zone of land of ten miles in width described in article II of the said Canal Treaty shall remain as defined and established by the agreement of June the 15th, 1904, above mentioned, and subsequently located on the ground and monumented as shown by exhibit "A" accompanying this Convention, with the modifications hereinafter set out in respect to the cities of Panama and Colon and their adjacent harbors.

II.

In conformity with articles II and III of said Treaty the rights of the United States to the use, occupation, and control of the areas to be covered by the waters of Gatun Lake and all that part of the shores of the lake up to an elevation of one hundred feet above mean sea level, and the islands in said lake, is hereby recognized, and in like manner the right of the United States to the use, occupation, and control of the peninsulas bordering on said lake to which there is no access except over lands of the Canal Zone or from the waters of Gatun Lake, is hereby recognized.

The one hundred feet contour line above referred to, as well as the peninsulas above mentioned, shall be conveniently monumented and marked upon the ground by the United States, with the intervention of a representative or representatives of the Republic of Panama designated for that purpose, and sketched upon a special map.

III.

It is agreed that the permanent boundary line between the City of Panama and the Canal Zone shall be as follows:

Beginning at a concrete monument located above high water mark on the shore of Panama Bay, south of the Balboa Road on the slope of the headland called "Punta Mala," and north thirty-two degrees and thirty minutes west (N. 32° 30′ W.) and one hundred and fifty (150) meters from about the center of an island called "Gavilan."

From the above concrete monument (marked "A" on the map)

the boundary line runs north twenty degrees and two minutes east (N. 20° 2′ E.) six hundred and thirty-three and seven-tenths (633.7) meters to a concrete monument (marked "B" on the map) located at the intersection of the easterly line of the Zone Boundary road, and the northerly line of the road leading from Panama to Balboa; thence north thirty-six degrees and forty-two minutes east (N. 36° 42′ E.) nine hundred and sixty-six and eighty-five hundredths (966.85) meters to a concrete monument (marked "C" on the map) on the northerly side of the road leading to Ancon Hospital grounds; thence north three degrees and nineteen minutes east (N. 3° 19′ E.) one hundred and forty-eight and forty-six one-hundredths (148.46) meters to an iron rail property monument; thence north eight degrees and fourteen minutes, and forty seconds west (N. 8° 14′ 40″ W.) one hundred and fifty-one and thirty-three one-hundredths meters (151.33) to a point; thence north thirty-seven degrees and forty-five minutes east (N. 37° 45′ E.) fourteen and thirty-three one-hundredths meters to a point in the road on the present boundary line; thence along said present boundary north no degrees and forty-seven minutes west (N. 0° 47′ W.) sixty-six and forty-four one-hundredths meters (66.44) to a point; thence north seventy-six degrees and fifty-nine minutes east (N. 76° 59′ E.) forty-two and forty-five one-hundredths (42.45) meters to a point; thence south seventy-two degrees and eleven minutes east (S. 72° 11′ E.) one hundred and fifty-nine and twenty-seven one-hundredths (159.27) meters to a point near Calidonia Bridge; thence north three degrees and eight minutes east (N. 3° 8′ E.) crossing the Panama Railroad Company's tracks, seventy-seven and three-tenths (77.3) meters to a point twelve and two-tenths (12.2) meters from the center line of the main track of the said Panama Railroad; thence parallel to the said railroad in a north-westerly direction, two hundred and ninety and five-tenths (290.5) meters to a point on the present boundary line; thence north forty-nine degrees, thirteen minutes and ten seconds west (N. 49° 13′ 10″ W.) and one hundred and sixty-five and thirty-seven one-hundredths (165.37) meters to an iron rail monument, twelve and three-tenths meters from the center of the main line track of the Panama Railroad; thence north forty-six degrees, thirty-nine minutes and thirty seconds west (N. 46° 39′ 30″ W.) two hundred and twenty and four one-hundredths (220.04) meters to a Panama Railroad Boundary monument twenty-two and one-tenth (22.1) meters from the center line of Panama Railroad main line track; thence north forty-nine degrees and fourteen minutes west (N. 49° 14′ W.) and parallel with the Panama Railroad track two hundred and ninety and thirty-six one-hundredths (290.36) meters to Rio Curundu; thence following the course of Rio Curundu up-stream to a point (marked "E" on the map) where the said Rio Curundu is intersected by a straight line drawn through the point of intersection on the Canal axis (marked "Cocoli" on the map) perpendicular to that part of the Canal axis of A. D. 1906 which extends in a straight line southeasterly from the said point marked "Cocoli" to the point of intersection (marked "Bay" on the map) the former point of intersection being situated between Miraflores and Corozal, and the latter point in Ancon Harbor; thence from "E" north sixty-three degrees and thirty minutes east (N. 63° 30′ E.) two

thousand and eight and six-tenths (2,008.6) meters to a concrete monument (marked "F" on the map) on the present boundary between the Canal Zone and the Republic of Panama; thence along this boundary south twenty-six degrees and thirty-four minutes east (S. 26° 34′ E.) about four thousand seven hundred and forty-four and five-tenths (4,744.5) meters to monument No. 99 and thence continuing on this line to the shore of Panama Bay at low water mark; thence following the mean low water line around the shore of Panama Bay to a point on the boundary line between Panama Harbor and Ancon Harbor; thence north seventy-two degrees, fourteen minutes west (N. 72° 14′ W.) to a monument "A," the point of beginning, except that the entire area of the middle island on the map called Las Tres Hermanas shall be under the jurisdiction of the United States of America.

Points "A," "B" and "C," above referred to, are the same points mentioned in the original agreement between the Government of the Republic of Panama and the Canal Zone Government, dated June 15, 1904.

All bearings in this description and on the map mentioned above are referred to true meridian and all coordinates are in accordance with the Panama-Colon Datum.

The Government of Panama agrees that the portion of the roadway now existing between the Ancon Post Office and the Tivoli Dispensary and connecting the Tivoli Road with the roads leading to Balboa and the Ancon Hospital grounds, which will fall within Panaman jurisdiction as a result of the boundary lines established in accordance with the foregoing description, will be kept open and of the same grade as same now is and will be maintained in good serviceable condition by the said Government of Panama so that it will afford a free, uninterrupted and unobstructed permament public thoroughfare, unless in the future provided otherwise by the mutual agreement of the chief executive authorities of the Republic of Panama and the Panama Canal.

IV.

It is agreed that the harbor of the City of Panama shall include the maritime waters in front of the City of Panama lying to the north and east of a line beginning at a concrete monument set on "Punta Mala" marked "A" on the map already referred to in this Convention, and running south seventy-two degrees and fourteen minutes east (S. 72° 14′ E.) through the middle island of the three islands known as "Las Tres Hermanas," but excluding the said middle island, and extending three marine miles from mean low water mark at Punta Mala; and that the harbor of Ancon shall include the waters lying south and west of said line, but including the said middle island which shall be deemed to be within the harbor of Ancon. The said middle island hereby included within the harbor of Ancon is situated about south twelve degrees, thirty minutes west (S. 12° 30′ W.) eight hundred and fifty-six (856) meters from the point of Las Bovedas and lies in latitude north eight degrees, fifty-six minutes (N. 8° 56′) plus one thousand and fifty-eight and eighty-eight hundredths (1,058.88) meters and longitude west

seventy-nine degrees, thirty-two minutes (W. 79° 32′) plus three hundred forty-two and six-tenths (342.6) meters, the datum of said latitude and longitude being what is generally known as the Panama-Colon Datum. All bearings are referred to true meridian.

The foregoing description of the City of Panama and Panama Harbor conform to the accompanying blue print marked exhibit "B."

V.

It is agreed that the permanent boundary line between the City of Colon and the Canal Zone shall be as follows:

Beginning at a point on the western shore of Boca Chica (sometimes called Folks River) marked "A" on the map, and fifty (50) meters to the eastward of the center line of the main line of track of the Panama Railroad; thence northward and northwestward, always parallel with said railroad track, and at a uniform distance of fifty (50) meters from the center line thereof to the center of Bolivar Street (sometimes called "C" street), said point being marked "B" on the map; thence northerly along the center line of said Bolivar Street, to the center line of Eleventh Street, this point of intersection being marked "C" on the map; thence westerly along the center line of Eleventh Street, a distance of one hundred sixty-two and fifty-three hundredths (162.53) meters to a cross on the sea wall along Limon Bay, said point being marked "D" on the map; thence north seventy-eight degrees, thirty minutes and thirty seconds west (N. 78° 30′ 30″ W.) to the shore of Limon Bay at mean low water mark; thence following the mean low water line around the shore in a northerly, easterly, southerly, and westerly direction to the point of beginning, except that at the site of the old Colon lighthouse a detour is made, as shown on the map, to exclude an area of land to be used as the site for a United States battery, which site shall be deemed to be within the Canal Zone.

The site for a United States battery above mentioned, which is to be included within the jurisdiction of the Canal Zone, is described as follows:

The initial point is a tack in a stake on Colon point, situated with reference to certain prominent points as follows: South forty-one degrees, six minutes east (S. 41° 6′ E.) twenty-five and twenty-two one-hundredths (25.22) feet from the southwest interior corner of the upper pavement of the swimming pool; south eleven degrees, thirty-seven minutes west (S. 11° 37′ W.) one hundred twenty-seven and sixty-eight one-hundredths (127.68) feet from a cross mark on a bolt set in a concrete base thirteen and nine-tenths (13.9) feet to the northeast of the center of the northeastern edge of the swimming pool; south thirty-five degrees, eighteen minutes west (S. 35° 18′ W.), two hundred sixty-six and seventy-five one-hundredths (266.75) feet from the northwestern corner of the Hotel Washington; and north sixty-eight degrees, twenty-nine minutes west (N. 68° 29′ W.), five hundred forty-three and ninety-five one-hundredths (543.95) feet from the cross mark on a rail set in a concrete base at a point where the south building line of Second Street intersects the center line of Bottle Alley; from this initial point south forty-three degrees, no minutes west (S. 43° 00′ W.),

two hundred fifty-eight and five-tenths (258.5) feet to a point; thence north forty-seven degrees, no minutes west (N. 47° 00′ W.) ninety and sixty-four one-hundredths (90.64) feet to a point; thence by a curve to the right with a radius of fifty-six and eighty-six one-hundredths (56.86) feet and a central angle of forty-five degrees, no minutes (45.00′), forty-four and sixty-six one hundredths (44.66) feet to a point; thence by a curve to the right with a radius of ninety-one (91) feet and a central angle of forty-five degrees, no minutes (45° 00′), seventy-one and forty-seven one-hundredths (71.47) feet to a point; thence north forty-three degrees, no minutes east (N. 43° 00′ E.), one hundred seventy-seven and five-tenths (177.5) feet to a point; thence south forty-seven degrees, no minutes east (S. 47° 00′ E.), one hundred fifty-seven and five-tenths (157.5) feet to the point of beginning, containing ninety-one one-hundredths (0.91) acres, more or less. All bearings are referred to true meridian (Panama-Colon Datum).

VI.

The harbor of Colon shall consist of those maritime waters lying to the westward of the City of Colon and bounded as follows:

The southerly boundary of the harbor of Colon is in a line running north seventy-eight degrees, thirty minutes and thirty seconds west (N. 78° 30′ 30″ W.), which begins at a cross cut in the concrete sea wall on the easterly side of Limon Bay and on the center line of Eleventh Street, Colon, produced westerly. This point is marked "D" on the map designated exhibit "C." Beginning at mean low water mark on Limon Bay on the above described line the boundary runs northwesterly along said line to a point in Limon Bay marked "E" on the map, and located three hundred and thirty (330) meters east of the center line of the Panama Canal; thence turning to the right and running in a northerly direction the line runs parallel with the above mentioned center line and at a distance of three hundred and thirty (330) meters easterly therefrom until it meets an imaginary straight line drawn through the lighthouse on Toro Point having a bearing of south seventy-eight degrees and thirty minutes and thirty seconds east (S. 78° 30′ 30″ E.), this intersection point being marked "F" on the map; thence turning to the right and running along the above-mentioned line south seventy-eight degrees, thirty minutes and thirty seconds east (S. 78° 30′ 30″ E.) to a point on the boundary of the above-mentioned site for the United States battery; thence turning to the right and running along the said boundary line of said site to the mean low water line of Limon Bay; thence turning to the right and running along said water line in a generally southerly direction to the point of beginning at the foot of Eleventh Street.

All bearings in this description and on the plan mentioned above are referred to true meridian (Panama-Colon Datum).

The foregoing description of the City of Colon and Colon Harbor conform to the accompanying blue print marked exhibit "C."

VII.

It is agreed that the Republic of Panama shall have an easement over and through the waters of the Canal Zone in and about Limon

and Manzanillo bays to the end that vessels trading with the City of Colon may have access to and exit from the harbor of Colon, subject to the police laws and quarantine and sanitary rules and regulations of the United States and of the Canal Zone established for said waters.

The United States also agrees that small vessels may land at the east wall which extends along the shore to the south of the foot of Ninth Street and recently constructed by the Panama Railroad Company in the harbor of Colon free of any wharfage or landing charges that might otherwise accrue to the said company under the terms of its concessions from the Government of Colombia; and the United States further agrees that it will construct and maintain a landing pier in a small cove on the southerly side of Manzanillo Island in the northwesterly portion of the arm of the sea known as Boca Chica (sometimes called Folks River), to be used as a shelter harbor for small coasting boats of the Republic of Panama, without any wharfage or other landing charges.

VIII.

Inasmuch as the highway known as the "Sabanas Road" will come entirely within the bounds of the City of Panama under this agreement the authorities of the Canal Zone are hereby relieved of the duty to repair and maintain such road, or any part of it, and the same shall be done henceforth by the authorities of the Republic at their cost and expense.

IX.

It is agreed that the Republic of Panama will not construct nor allow the construction of any railway across the Sabanas or other territory hereby transferred to that Republic without a mutually satisfactory agreement having been previously arrived at between the two governments; and this shall be without prejudice to any right the United States may have to object to such railway projection under any of the provisions of the Canal Treaty of November 18, 1903.

X.

The contracting parties hereby agree that this Convention shall not diminish, exhaust, or alter any rights acquired by them heretofore in conformity with the Canal Treaty of November 18, 1903; and it is further expressly agreed that the United States, in the exercise of the rights granted to it under articles II and III of the said Canal Treaty and subject to article VI of said Treaty, may enter upon and use, occupy, and control the whole or any portion of the Sabanas land, or other territory hereby transferred to the Republic of Panama, as the same may be necessary, or convenient, for the construction, maintenance, operation, sanitation, or protection of the Canal or of any auxiliary canals, or other works necessary and convenient for the construction, maintenance, operation, sanitation, or protection of said enterprise.

XI.

This agreement shall not be construed to modify the rights of the authorities of the Canal Zone to employ citizens of the Republic of Panama residing in the territory of the Republic as provided in section V of the above-mentioned agreement of June 15, 1904, and for which purpose the Government of the Republic granted the permission required by paragraph 2 of article 7 of the Panamanian Constitution.

XII.

The civil and criminal cases pending in the courts of the Canal Zone and the Republic of Panama at the time of the execution of this Convention shall not be affected hereby but the same shall be proceeded with to final judgment and disposed of in the courts where they are now pending as though this agreement had not been entered into.

XIII.

The exhibits accompanying this agreement are signed by the representatives of the respective governments for identification. This Convention, when signed by the plenipotentiaries of the high contracting parties, will be ratified by the two governments in conformity with their respective constitutional laws, and the ratifications shall be exchanged at Panama at the earliest date possible.

In faith whereof the respective plenipotentiaries have signed the present Convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Panama, the second day of September, in the year of our Lord, nineteen hundred and fourteen.

[SEAL.] WILLIAM JENNINGS PRICE.
[SEAL.] E T LEFÉVRE.

And whereas the said Convention has been duly ratified on both parts and the ratifications of the said Convention were exchanged in the City of Panama on the eleventh day of February, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Convention to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eighteenth day of February in the year of our Lord one thousand nine hundred and
[SEAL.] fifteen, and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON.

By the President:
W. J. BRYAN
Secretary of State.

BOUNDARY DISPUTE BETWEEN COSTA RICA AND PANAMA. REFUSAL OF PANAMA TO ACCEPT THE AWARD. PROTEST OF COSTA RICA AGAINST OCCUPATION BY PANAMA OF TERRITORY NORTH OF PUNTA BURICA. ACCEPTANCE BY COSTA RICA OF THE GOOD OFFICES OF THE UNITED STATES TENDERED TO BOTH PARTIES.[1]

File No. 718.1915/234.

Minister Hale to the Secretary of State.[2]

No. 58.] AMERICAN LEGATION,
San José, January 23, 1915.

SIR: I have the honor to report that I have received an important communication from the Minister for Foreign Affairs, dated January 14, concerning the boundary dispute between Costa Rica and Panama, a copy of which and its enclosures, together with translations of all, I enclose, marked Enclosure No. 1.

A copy of my reply, dated January 21, is also enclosed, marked Enclosure No. 2.

In this connection I respectfully ask for instructions as to my further procedure.

I have [etc.] E. J. HALE.

[Inclosure 1—Translation.]

The Minister for Foreign Affairs to Minister Hale.

No. 4, B.] MINISTRY OF FOREIGN AFFAIRS,
San José, January 14, 1915.

MR. MINISTER: As I had the honor to express to your excellency in days past, my Government was surprised at the news that the Government of Panama, making light of the unappealable judgment handed down by the Chief Justice of the United States in the boundary litigation between Costa Rica and its neighbor on the south, had arranged to locate various administrative authorities in places which, since the promulgation of the Loubet Award, undoubtedly belong to Costa Rica, as the parties solemnly recognized when they signed the Anderson-Porras Convention of March 17, 1910; which recognition was amply corroborated by the Executive Power of Panama in the Resolution (Document A), a copy of which I have the honor to transmit to you hereto annexed.

In view of this proceeding, my Government was arranging to take the necessary measures of repulsion, when the generous offer came which your excellency was pleased to make of mediating amicably in order that no attitude should be adopted which might break off the good relations existing between the two nations.

My Government gladly accepted the proposition, made as it was by the representative of the greatest nation on earth not only in its extent and power but also because of the perfect devotion with which in every epoch it has reverenced justice.

The matter, therefore, could not remain in better hands, especially as it was a question of a difference arising out of the promulgation of an award rendered by no less a personage than the Chief Justice of the United States, an award which, because of the undeniable equity which inspires it and coming from whom it comes, it is not logical to suppose does not merit all respect on the part of the Minister who so brilliantly represents among us the powerful Government of the United States.

But as the manifold occupations which daily claim the attention of your excellency and of your very illustrious Government have so far impeded the taking of the steps necessary for causing the anomalous state of affairs provoked by the Government of Panama to cease, I have considered it fitting to

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[1] Continued from For. Rel. 1914, pp. 993–1028.
[2] Receipt acknowledged October 7, 1915.

take some action directly on my own part, and to that end is designed the note, a copy of which your excellency will please find annexed (Document B).

It seems to me superfluous to state to your excellency that it has not entered my mind, even for a moment, to lay aside the invaluable mediation of your excellency; far from that, my Government trusts that your excellency will be pleased to continue using your good offices, certain as it is that they will contribute powerfully toward the disappearance of the difficulties which have arisen against the carrying out of the judgment handed down by Chief Justice White.

I renew [etc.]

MANUEL CASTRO QUESADA.

[Subinclosure 1—Document A.]

Executive Resolution No. 96.

No. 96.] MINISTRY OF FOMENTO,
Panama, November 23, 1912.

The executive administration which expired September 30, 1912, made various contracts for the establishment of agricultural colonies, and among them is one signed on August 12, in which there appears as concessionary, Mr. José Antonio Lara von Chamier, a Costa Rican citizen.

According to the terms of that concession Mr. Lara has the right to acquire possession, for the purposes of the contract, of a tract of 5,000 hectares of waste land, situated thus: on the north, the River Coto and waste lands; on the south, Punta Burica; on the east, waste lands; and on the west, the sea coast. The Nation binds itself to reserve for adjudication an equal lot of land which shall be given to the concessionary when the obligations which he contracts shall have been fulfilled.

This contract was submitted by the Executive Power to the National Assembly together with the other similar contracts which refer to agricultural colonies; but, it being now observed that the lands included in the concession granted to Mr. Lara lie outside the frontier line established in the Loubet Award and accepted, as regards the Pacific region, by the boundary convention agreed to in Washington between Panama and Costa Rica on March 17, 1910, it is clear that the Government, perhaps through inadvertence, fell into error in making the said contract.

The Republic, by means of its Foreign Office and its diplomatic representatives has maintained the principle that in territories over which a boundary dispute with a friendly nation is pending, rights of dominion, which emanate only from sovereignty, must not be granted by either of the parties, since it is evident that while litigation is pending sovereignty is in suspense, together with the powers inherent in it.

The Government of the Republic has adhered strictly to that principle, and in the present case it is imperative that it be observed, since by the boundary convention Panama has accepted as *clear and undoubted* the frontier line from Punta Burica to a point in the Central Cordillera above Cerro Pando, and this acceptance precludes the possibility of the decision of the arbitrator awarding to it the zone where the concession granted to Mr. Lara is situated.

The said contract, on the other hand, involves a contravention of national public law, since from the date on which the Porras-Anderson Convention was approved by the National Assembly there was implicitly accepted by the nation as a legal mandate the duty, which until then it had voluntarily fulfilled, of not giving concessions of dominion over any part of the lands in dispute.

For that reason the contract made with Mr. Lara should be considered as non-existent, and the National Assembly could in no case give its approval, since by doing so it would exercise an act of sovereignty contrary to a solemn pact approved by itself.

Consequently it is resolved: That the contract made by this Department with Mr. José Antonio Lara von Chamier, on August 19, 1912, with reference to the granting of a tract of land for the establishment of agricultural colonies, be declared of no effect.

BELISARIO PORRAS.
R. F. ACEVEDO,
Minister of Fomento.

[Annex to Document A.]

The Minister for Foreign Affairs of Panama to the Minister for Foreign Affairs of Costa Rica.

S–118.] MINISTRY OF FOREIGN AFFAIRS,
Panama, January 15, 1913.

MR. MINISTER: Referring to Your Excellency's courteous communication, marked No. 84, dated October 10th of last year, I have the honor to enclose to Your Excellency, with the present note, a copy, duly authenticated, of Resolution No. 96, of the 23rd of November, 1912, whereby contract No. 53, made with the Costa Rican citizen, Mr. José Antonio Lara von Chamier, is declared of no effect.

I have [etc.]

E. T. LEFEVRE.

[Subinclosure 2—Document B.]

The Minister for Foreign Affairs of Costa Rica to the Minister for Foreign Affairs of Panama.

No. 4, A.] MINISTRY OF FOREIGN AFFAIRS,
San José, January 14, 1915.

MR. MINISTER: Some two months ago there came to the knowledge of my Government news so grave in its nature that at the outset it was impossible to give credit to it. But later and repeated investigations obliged us to accept, with profound and well-justified surprise, the truth of the report.

This consists in the act, committed by the Government whose Chancellery your excellency so worthily conducts, of placing various administrative authorities at points situated north of Punta Burica.

This zone, as your excellency well knows, was definitely adjudged to Costa Rica since the promulgation of the award rendered by the President of the French Republic on September 11, 1900. Its adjudication was ratified by the Anderson-Porras Convention March 17, 1910, and considered as absolutely foreign to the jurisdiction of Panama, among other things, by Resolution No. 96 of November 23, 1912, dictated by President Porras and countersigned by his Minister of Fomento.

With your excellency's leave, I here transcribe some of the paragraphs contained in the afore-cited resolution, convinced as I am that they will controvert in a much abler manner than I am able to do the measure to which I am referring.

This contract was submitted by the Executive Power to the National Assembly together with the other similar contracts which refer to agricultural colonies; but, it being now observed that the lands included in the concession granted to Mr. Lara lie *outside the frontier line established in the Loubet Award and accepted, as regards the Pacific region, by the boundary convention agreed to in Washington between Panama and Costa Rica on March 17, 1910*, it is clear that the Government, perhaps through inadvertence, *fell into error* in making the said contract.

The Republic, by means of its Foreign Office and its diplomatic representatives has maintained the principle that in those territories over which boundary litigation with a friendly country is pending, rights of domain, which emanate only from sovereignty, must not be granted by either of the parties, since it is evident that while litigation is pending *sovereignty is in suspense, together with the powers inherent in it.*

The Government of the Republic has adhered strictly to that principle, and in the present case *it is imperative that it be observed,* since by the boundary convention Panama *has accepted as clear and undoubted the frontier line from Punta Burica to a point in the Central Cordillera above the Cerro Pando,* and this acceptance *precludes* the possibility of the decision of the arbitrator awarding to it the zone where the concession granted to Mr. Lara is situated.

The said contract, on the other hand, *involves a contravention of national public law,* since from the date on which the Porras-Anderson Convention was approved by the National Assembly there was implicitly accepted by the nation as a legal mandate the duty, which until then it had voluntarily fulfilled, of not giving concessions of dominion over any part of the lands in dispute.

For that reason the contract made with Mr. Lara should be considered as non-existent, and the National Assembly could in no case give its approval, since by doing so *it would exercise an act of sovereignty contrary to a solemn pact approved by itself.*

After the above transcription I believe nothing can be said that more openly impugns the proceeding of the Government of Panama in exercising *an act of sovereignty contrary to a solemn pact agreed to by it, thus contravening national public law and using powers of sovereignty in a zone in which the possibility has been excluded of its ever being adjudged to Panama.*

The circumstance that so far the material delimitation of our frontiers has not been accomplished in no way changes the nature of the question. The Government of Panama, after the ratification of the Anderson-Porras Convention, ceased to exercise the precarious jurisdiction which by virtue of the status quo it had for a time north of Punta Burica. From the reading of the Resolution of November 23, 1912, I believe that your excellency will entertain no doubt in that respect.

Furthermore, even admitting by way of pure conjecture such an assertion to be not strictly correct, the action of the Government of Panama would still be indefensible; it would then have violated the status quo by performing acts without precedent, acts which would necessarily have changed the nature of existing things, and which consequently it was inhibited from doing.

For the reasons set forth, and appreciating at its full value the declaration made by your excellency in the important communication which under date of October 17 last you were pleased to address to me,[3] that "the desire and invariable purpose of Panama is not to seek for the solution of its international questions any other means than those indicated by law," in the name of my Government I present a formal protest before the Government of your excellency against the appointing of various authorities north of Punta Burica.

I trust that the noble and lofty sentiments of confraternity and justice of which at all times your Government has given striking proofs will impel it to proceed now in accordance with its traditional equity, revoking the appointments which I have mentioned.

I do not wish to close without stating to your excellency in the most solemn manner that the sentiments of high appreciation and cordial and sincere friendship which have always prevailed among the people and Government of Costa Rica for the people and Government of Panama have not diminished in the least with the arising of this incident, and that, sharing the opinion of your excellency, it is their most earnest desire not to use for the solution of their international questions any means other than those indicated by law.

I avail [etc.]

MANUEL CASTRO QUESADA.

[Inclosure 2.]

Minister Hale to the Minister for Foreign Affairs.

No. 66.] AMERICAN LEGATION,
San José, January 21, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's note of January 14 and enclosures, and to say that the subject of the boundary dispute between the Republic of Costa Rica and the Republic of Panama, of which your excellency treats with such ability, is receiving the most careful attention at my hands and at those of my Government.

I have read with great interest the documents enclosed by your excellency, and have noted the action taken in your excellency's communication of January 14 to his excellency, the Minister of Foreign Affairs of Panama.

I shall at once inform your excellency of any definite development in the matter of mediation.

I avail [etc.]

E. J. HALE.

File No. 718.1915/235.

The Minister of Costa Rica to the Secretary of State.

[Translation.]

LEGATION OF COSTA RICA,
Washington, March 9, 1915.

MR. SECRETARY: On a previous occasion [November 7, 1914] I had the honor to deliver to your excellency a copy of the award of the Chief Justice of the United States rendered in the boundary dispute

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[3] For. Rel. 1914, p. 1016.

in which the Republic of Costa Rica and Panama were engaged, and expressly said on that occasion that I had explicit instructions from my Government to inform you that Costa Rica had accepted the award in its entirety, under the obligation assumed on signing the Arbitration Treaty of March 17, 1910.

I now have the honor to lay before your excellency the reasons which the Government of Costa Rica believes should actuate the Secretary of State to interpose his good offices with the Government of Panama, with the high purpose of bringing about the earliest possible execution of the award of the Chief Justice of the United States so that that treaty of arbitration may be faithfully adhered to, out of the respect it would imply—especially in our days so sorely tried by manifestations of force—for the loftiest principles of civilization. Those reasons are as follows:

First. The magnitude of the interests of the United States in the Canal Zone impelled that nation to conclude with the newly-born Republic of Panama a convention under which the United States, in the first clause thereof, pledges itself to guarantee and maintain the independence of Panama. Consideration of this duty of the United States was borne in mind by the Department of State when it used its good offices with the Government of Panama to induce it to enter into negotiations with the neighbor Republic of Costa Rica for the demarcation of the boundary between the two countries. For three years the Department of State labored with the Government of Panama for its assent to a definitive treaty and just as Panama was believed to be quite ready to carry it into effect the Minister of Foreign Relations gave notice to the Department of State of his intention to conduct direct negotiations with the Government of Costa Rica at the capital of that nation. Plain was the discontent of the Department of State, which found it advisable to send to its Legation at Panama the important note of January 23, 1909, with instructions to deliver a copy to the Minister of Foreign Relations, for the proper safeguard of American interests in the border zone in dispute. In it Mr. Root, then Secretary of State, says:[4]

> For three years and more this Government has repeatedly and urgently shown its earnest desire and expectation that the conflicting claims of Panama and Costa Rica in regard to their common boundary should be set at rest. The interest of the United States in seeing the dispute settled has been continuously manifested and the grounds of our interest clearly set forth. At the time of Panama independence there were important American interests on the border, upon the Sixaola River, to which rival American citizens were claimants.
>
> The determination of their conflicting claims was and still is dependent upon the issue of the question of sovereign title to the territory and sovereign jurisdiction over controversies arising therein. The situation thus arising has been from the outset most embarrassing and vexatious to the United States and this embarrassment and vexation must continue so long as the determination of sovereign title is in suspense.
>
> This Government welcomed with gratification the institution of negotiations between Panama and Costa Rica looking to a final fixation of their common boundary. It put forward every friendly effort toward the ratification of the treaty signed by them March 7, 1905. The consummation of that treaty was indefinitely deferred because of the amendment introduced in the Panama Act of ratification. Again our efforts were put forth to effect a renewal of negotiations on conventional lines. Thereupon, Costa Rica proposed arbitration. The United States supported this proposal as having become apparently the only manner of bringing about the settlement of a controversy the continuance of

[4] For. Rel. 1910, pp. 781–782.

which bore so heavily on American interests. The acceptance of the arbitration in principle by Panama on December 24 last was hailed by us with a feeling of relief, as a hopeful augury of a speedy disposition of the question. The communication now made to you by Señor Fernandez holds the Panaman acceptance in abeyance by contingently deferring the resort to arbitration to await the uncertain outcome of a proposal to reopen direct negotiations for adjustment of the dispute by mutual agreement. This step is disappointing, because tending to excite our apprehension that this fresh resort to direct negotiations may prove as ineffectual as previous efforts in that direction, and may turn out to have merely dilatory results so far as a final settlement is concerned, and that an agreement may be found as remote as at the beginning of the dispute.

All this constrains the Government of the United States to the conclusion that the conditions existing for years and still existing are such that they force the United States in justice to its own citizens to treat the de facto line as the line to the north of which Costa Rica has jurisdiction and to the south of which Panaman jurisdiction is recognized. In other words to hold that, inasmuch as the territory northward of the de facto line is left by Panama within the actual jurisdiction and control of Costa Rica, Panama is estopped by her own act from objecting to the United States treating it as Costa Rican territory and looking to Costa Rica to remedy the annoying and embarrassing situation caused to this Government and to its citizens by the absence of responsible jurisdiction in that quarter.

Second. On February 16, 1909, the Secretary of State, Mr. Robert Bacon, wrote to the Minister of Costa Rica to notify him that thenceforward, whether the adjustment of the controversy were delayed or no adjustment made in the near future, the Government of the United States, in justice to its own citizens, would be constrained to treat the de facto line as the line to the north of which Costa Rica has jurisdiction and to the south of which Panaman jurisdiction is recognized.[5] And both that note and Mr. Root's previous note induced Panama to accept arbitration after the direct negotiations instituted at the capital of Costa Rica had failed as foreseen by the Department of State.

Arbitration was brought about, therefore, through the cordial and frank mediation of the United States.

Third. The fresh negotiations resumed in Washington through the ever disinterested and friendly offices of the Department of State had made good progress when it occurred to the Plenipotentiary of Panama that he was not sufficiently empowered to sign one of the stipulations contained in the treaty, which caused delay and even put into question the outcome of the whole negotiation. Mr. Knox, Secretary of State, carrying on with the same zeal as had been shown by his predecessor, Mr. Root, the work of defending American interests and of acting as friendly mediator between the two adjoining countries, in a telegram of March 12, 1910, in which the Government of Panama's attention was called to the difficulty under which its Plenipotentiary labored, asked that he be vested with the full powers that would enable him to attach his signature to the convention concluded on that date, as otherwise the United States would have to recognize as the boundary line between the two contending countries the status quo line or de facto line as described by Mr. Root in his note of January 13 [23] above quoted. Panama, yielding to the State Department's solicitation, conferred the required authority on its Plenipotentiary and the convention was signed on March 17, 1910, in the city of Washington.

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[5] Id. 782–783.

The Treaty was signed, therefore, through the effectual mediation of the Secretary of State of the United States.

Fourth. Not only was it in Costa Rica's mind to dispose for all time of its long standing boundary dispute in signing the treaty, but it was also the Department of State's most cordial and earnest intention. Hence when Article VII of the treaty expresses the will that the award of the Chief Justice, whatever it may be, shall be regarded as a perfect treaty binding upon both contracting parties, if we are to judge from the significant note of Mr. Root and the telegram of Mr. Knox above cited, it also expresses the unmistakable will of the Department of State, because the national interests so prompted.

Fifth. The award of the Chief Justice of the United States reveals a most painstaking study of the question in its most diverse aspects and the final decision can hardly be said to confirm the possession which had previously been recognized for merely practical purposes by the Government of the United States through its Secretary of State, Mr. Root, in consideration of the jurisdiction Costa Rica had already exercised for a long time over that territory.

Sixth. It follows that the line fixed by the award has not given Costa Rica any territory over which she had not exercised continuous lawful jurisdiction since the Republic was born, and if there were today any power of law on earth that could annul the validity of the award, Panama would find herself compelled to accept as the final boundary line in the region of the Atlantic, which has been the sole object of the dispute, the de facto or status quo line recognized first by Colombia, then by Panama and finally by the United States in the above-mentioned notes of Mr. Root and Mr. Bacon. If then the White Award does not grant to Costa Rica any territory over which she had not exercised complete sovereignty, one would naturally think that when Panama without any substantial ground rejected that award she did so not in pursuit of justice but in view of domestic politics. There is therefore no reason whatever for holding in suspense the dispute that has cost both contending countries as well as the mediating Government so many exertions.

And lastly, all the peace treaties recently concluded by the United States contain the important provision for resort to arbitration, and I believe that to support the arbitral award of the Chief Justice of the United States is to add an even greater moral value to those treaties, because the world at large will take Panama's rejection of the award to mean that the Government of the United States, which by treaty guarantees and maintains the independence of that Republic, did not bring upon it the influence of its brotherly good offices, and the nations will regard the United States and Panama as linked together in this portentous nonexecution of the award of the Chief Justice of those same United States.

Therefore I come to your excellency to request that you may be pleased to use with the Government of Panama those good offices which you have never stinted since the controversy began, in order that acceptance of the award of the Chief Justice in pursuance of the Anderson-Porras Treaty of March 17, 1910, may remove forever the only subject of contention Costa Rica and Panama have had at any

time. It may be expedient to represent to Panama that there is honor in yielding to the execution of a sentence pronounced by a high arbitral tribunal, for should Panama refuse to accept it, no real territorial advantage would accrue to her in the region of the Atlantic, which has been the sole object of the litigation which Costa Rica continues to regard as definitively and satisfactorily settled by the wise award of the Chief Justice of the United States; to represent to Panama, further, that from every point of view it is more honorable to abide by the decision of a judge above suspicion, and nobler to adjust herself to a form of law framed by a learned judge in one of the highest expressions of contemporary civilization, a form of the law of international arbitration.

Not doubting for an instant that in using its good offices with the Government of Panama your excellency's Government, in evidence of its sincere friendship equally for Costa Rica and Panama, will advise the latter to take that more honorable and noble stand, it affords me great pleasure to renew [etc.]

R. BRENES MESÉN.

File No. 718.1915/236.

Minister Hale to the Secretary of State.

No. 72.] AMERICAN LEGATION,
San José, April 3, 1915.

SIR: Referring to Department's telegram of November 25[6]; to my despatch No. 49, of December 5[6]; to my despatch No. 50, of December 18[6]; and to my despatch No. 58, of January 23—I have the honor to report that I have received another communication from the Minister for Foreign Affairs, dated March 5, a copy of which and its enclosures, together with translations of all, I enclose.

I have [etc.]

E. J. HALE.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Minister Hale.

No. 26, B.] MINISTRY OF FOREIGN AFFAIRS,
San José, March 5, 1915.

MR. MINISTER: I have the honor to transmit to your excellency a copy of the communication which the Chancellery of Panama sent me under date of January 30 last, and a copy of the communication which, in reply, I sent back under date of March 1.

So clear and patent is the right on the side of Costa Rica in this affair, that I entertain all confidence that the Government of Panama must retrace its steps, adopting an attitude other than that which so far it has been maintaining.

Should the contrary be the case, I hope your excellency's fairness of mind will find justified the measures which, possibly, Costa Rica may see itself compelled to take.

I am [etc.]

MANUEL CASTRO QUESADA.

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[6] For. Rel. 1914, pp. 1022, 1023, and 1026.

[Subinclosure 1—Document A.]

The Minister of Foreign Affairs of Panama to the Minister for Foreign Affairs of Costa Rica.

S–5614.] MINISTRY OF FOREIGN AFFAIRS,
Panama, January 30, 1915.

MR. MINISTER: I have the honor to acknowledge the receipt of your excellency's note No. 4, A., dated the 14th instant, the contents of which have caused me profound sorrow.

The Government of Costa Rica, in the first place, expresses surprise at the repeated news which it says it has received of the establishment of various administrative authorities at points north of Punta Burica. Your excellency will kindly permit me to state to you that you have been misinformed. Various administrative authorities have not been placed north of Punta Burica. Those authorities have always been in existence, and that which has been done is to renew them, as is done periodically with all the other authorities of the Republic.

Neither can this Chancellery agree to your excellency's asseveration that that zone was definitely adjudged to Costa Rica since the promulgation of the award of the President of the French Republic on September 11, 1900, ratified by the Porras-Anderson Convention, and considered as foreign to the jurisdiction of Panama by my Government's resolution No. 96, of November 23, 1912. The zone in reference, to the north of Punta Burica, was definitely adjudged to Costa Rica by the Loubet Award, as was the entire zone of the Sixaola Valley, on the Atlantic slope, between the Cordillera Central and the counter-range of the Cordillera; but, as Costa Rica did not accept the award referred to, notwithstanding the promise agreed upon in the treaty that gave rise to the same, and compelled Panama to accept a new arbitration, the result was that the zone on the slope of the Atlantic side, which includes all the Sixaola valley, does not belong to Panama; nor does the zone on the Pacific slope to which your excellency refers, to the north of Punta Burica, belong to Costa Rica.

The Porras-Anderson Convention was not a boundary convention nor a convention for territorial compensations, nor for cession of territory, but simply one of arbitration, precisely for the purpose of submitting to an arbitrator the boundary question, as follows: "What is the boundary between Panama and Costa Rica under and most in accordance with the correct interpretation and true intention of the award of the President of the French Republic made the 11th of September, 1900?"

In that convention, among other considerations, was expressed the consideration that "the boundary between their respective territories designated by the arbitral award of his excellency the President of the French Republic the 11th of September, 1900, is clear and indisputable in the region of the Pacific from Punta Burica to a point beyond Cerro Pando on the Central Cordillera"; but as Panama has not accepted, and will never accept, the judgment rendered in accordance with that convention, wherein that consideration was expressed, because it believes it null and void (in which it does nothing else, at most, than follow the example of Costa Rica, which did not accept President Loubet's former judgment, which adjudged the entire Sixaola valley clearly and unquestionably to Panama), it is evident that the aforesaid Porras-Anderson arbitral convention is of no value and of no effect and it is futile on the part of Costa Rica to refer thereto for the foundation of any claim.

So that, not having accepted Chief Justice White's decision, Panama has established itself in the same point of law which Costa Rica occupied when it rejected the Loubet decision, bringing matters back to the same status they held before the said decision, that is, to the line of the status quo.

The quotation of a resolution decreed by the President, Dr. Belisario Porras, and countersigned by the Secretary of Fomento, Mr. R. F. Acevedo, has, in the opinion of this Chancellery, no value in the matter. In it the President of Panama upholds the same principles of international law which he upheld in Costa Rica as Minister, by note of August 14, 1909, principles violated by Costa Rica when, because of not having accepted the Loubet Award granting to Panama the Sixaola valley, including the right and the left bank of that river, it resorted to the status quo, and, notwithstanding that the sovereignty and the sovereign faculties of both countries was in suspense in all the territory

in dispute, sold considerable lots of land on the left bank of said river, in spite of the protests of the then Minister of Panama in Costa Rica.

In the presence of the above-mentioned quotation of the resolution in question, I think it to the point to recall to your excellency the answers of his excellency the Minister for Foreign Affairs of Costa Rica at the time of those protests, and it will be demonstrated that if Panama has acted consistently with the principles of international law on this point of the sale of land in a disputed frontier zone, Costa Rica has not done as much, for it seeks to apply to Panama what it did not apply to itself as regards dominion and jurisdiction in that zone.

Here is what the Minister of Panama stated to your excellency's Government on the date indicated:

> My Government has instructed me not to accept that status quo; but, granting it valid and effective, the character that Costa Rica possesses in that territory (the left border of the Sixaola between the counter-range of the Cordillera and the left bank of that river) is that of a *de facto* sovereign in contrast with the *de jure* sovereignty which Panama possesses (because of the arbitral decision). This means that the character of Costa Rica is that of a mere holder and usufructuary of a territory until the award is put into effect; and the character of Panama is that of a non-occupying proprietor, a true owner thereof. As holder, Costa Rica has the essential duty of preserving the property, of not destroying it nor giving it up to any one, but of delivering it to the successor without committing any act which may impair the rights of the *de jure* sovereign, that is to say, the owner. Only the latter has the power to sell, cede, or transfer. Dominion includes among other rights, that of transformation and alienation, and such right of transformation and alienation includes in turn the power of the owner of a thing to modify it in whole or part, and to alienate or transmit to another the whole or part of his property, because such rights are inherent only in ownership and not in simple occupancy or mere possession.

So that, since in the resolution which your excellency quotes, the President declared that "in territories over which a boundary dispute with a friendly nation is pending, rights of dominion, which emanate only from sovereignty, must not be granted by either of the parties, since it is evident that while litigation is pending sovereignty is in suspense, together with the powers inherent in it," it is clear that the President thought the same as the Minister, and there is continuity and concordance of doctrine in both, and in the nation which the President represented in the first case and which he represents today in another and higher capacity.

With what great surprise, then, have I seen your excellency make the quotation in question for the purpose of basing a right thereon, since the fact is that when Minister Porras protested against the concessions and grants of lands Costa Rica was making on the left border of the Sixaola River, Costa Rica adopted contrary doctrines, like those it has since maintained, when it complained of the grants of land in Burica to which the resolution gave rise.

I, in my turn, am going to lay before your excellency the quotation of the doctrines of Costa Rica on this point of law. To Minister Porras' note of August 14, 1909, the Minister for Foreign Affairs of Costa Rica replied as follows:

> The question so stated by your excellency was debated at length between our Government and that of the United States of America in 1906, in the matter of the claim of H. L. McConnell, of which your excellency has cognizance. The Washington Government supported at that time the same theory as your excellency's with similar arguments. So that I cannot give a better reply to your excellency's objections than that which Costa Rica transmitted to the United States upon the occasion referred to.

When on November 23, 1912, the President of Panama promulgated the resolution which your excellency quotes, Costa Rica was complaining of the grant of land to Mr. Lara von Chamier which had been made in the zone to the north of Punta Burica, founded, among other considerations, upon the same doctrine that Panama had supported and Costa Rica assailed.

Upon careful study of that resolution, arguments cannot be derived therefrom to support the view that Panama has not the power to maintain authorities in the region to the north of Punta Burica, where it has always maintained them because it considers that territory its own by virtue of the frontier status quo and until it is definitely decided and established that that zone does not belong to it. By that resolution what was established was that which had already been accepted "implicitly by the nation as a legal precept—the duty which up to then it had been voluntarily fulfilling of not making concessions of dominion over any part of the territories in dispute."

Why has Panama maintained, and why does Panama maintain authorities in the zone north of Punta Burica? For the same reason that Costa Rica

has maintained and maintains them on the left bank of the Sixaola although the Loubet Award adjudged that valley to Panama.

The matter has been decided by the Government of Costa Rica itself. Your excellency knows very well that in 1909, in a note of May 29, Panama made claim on Costa Rica through its Minister in San José, against the establishment on the left bank of the Sixaola of an Inspección de Hacienda and a Comandancia de Armas, considering that "that territory had been adjudged to Panama by virtue of a decision expressly sought by both nations and in the execution or fulfillment of which both also engaged their honor."

The Government of Costa Rica through one of the predecessors of your excellency replied (note of July 5, 1909) saying that "it has not the least doubt about the full right with which in this matter it exercised jurisdiction in the territories situated to the north of the de facto line, always respected by Costa Rica and Colombia as the dividing line between the two Republics since the boundary dispute between them was begun."

In a note of August 13, 1909, the Secretary of Foreign Relations of Costa Rica reinforced the opinion reproduced above with these others:

> Notwithstanding the profound respect which every opinion of your excellency merits, I find myself obliged to state to you that the opinions cited here caused my Government profound surprise. Indeed, both prior to the Loubet Award and after it, Costa Rica has been in full possession of the territory of Gandocan and has exercised command over it *in the same manner that Panama has done in Punta Burica.* It is true that the execution of the award brought as a consequence the entering by Costa Rica into possession of Punta Burica and by Panama into possession of Gandocan; but it is also true that the award has not been executed and that while it *is not executed* each country maintains possession of and commands the territory which it has been in possession of and which by virtue of the Loubet Award has been adjudged to the other.

After the Loubet Award, Panama through a sentiment of fraternity agreed to submit to a new arbitration and signed a convention to that end; but the award having been pronounced by the new Arbitrator, Panama has formally declared that she does not accept it because she considers it null, and consequently matters return to the state in which they were before when Costa Rica did not accept the Loubet Award; that is, to the provisional frontier line, or the so-called status quo. That line, to refer only to documents of Costa Rica, is the same that was laid down by Secretary Fernandez Guardia in the said note of August 13, 1909, thus:

> The frontier of the status quo * * * starts from the Golfito River, a small tributary of Golfo Dulce; follows from there the hills of Las Cruces, between the valley of the Coto de Terraba River and the Chiriquí Viejo River to the crest of the great Cordillera; and descends the north slope by the Yorquin [Zhorquin] and Sixaola Rivers.

So that, the White Award not having been accepted, Panama continued to maintain the possession and command of the territory which she has possessed, starting from the Golfito River and all along this river to Las Cruces, and then to the crest of the great Cordillera, along the whole extension of that line to the east—which is the line of the status quo which Costa Rica so stoutly defended when she did not accept the Loubet Award, in order to justify herself, not for maintaining authorities but for establishing them for the first time on the left bank of the Sixaola, where she had never before had them.

Although Panama, in accordance with her own ideas of international law, did not believe that she ought to grant lands in the disputed region, she did believe that she ought to have authorities in it, and she always maintained them and will keep them there until it is determined by good will or by indisputable right, without reserve or protest, that that region does not belong to her any longer.

For the reasons set forth, and appreciating at its full value the declarations of Costa Rica in authentic and incontestable documents and taking into account the truth of the facts, the Government of Panama expresses to that of Costa Rica the pain caused her by the protest which the latter has made and to which this communication is a reply.

At the same time she hopes that your excellency's Government, inspired by noble and lofty sentiments of confraternity and justice so appropriate between neighboring peoples, brothers by race, by religion, by language, history and traditions, will respect the right which Panama has in maintaining authorities in the zone to the north of Punta Burica along the whole eastward extension of the line of the status quo.

I cannot close without stating to your excellency that I appreciate at their full value the expressions of cordiality and sympathy which you are pleased to transmit in the name of the people and the Government of Costa Rica, nor

without assuring you in turn that this incident has not lessened in the least the sentiments of sincere friendship which the people and Government of Panama cherish toward them.

I avail [etc.]

E. T. LEFEVRE.

[Subinclosure 2—Document B.]

The Minister for Foreign Affairs of Costa Rica to the Minister for Foreign Affairs of Panama.

No. 12, A.] FOREIGN OFFICE,
San José, March 1, 1915.

MR. MINISTER: I have been honored with the receipt of the note of January 30 last, which your excellency sent me in reply to the note of protest, which on January 14 I had the honor to transmit to your Chancellery.

In this important document your excellency informs me:

First, that the Government of Panama has not introduced anything new in locating in October last various administrative authorities in different places on the coast which runs to the north of Punta Burica, inasmuch as said authorities have always been maintained by that Government, and that the only thing which has been done lately is to renew them, as is customary periodically with all the others of the Republic.

Second, that the Porras-Anderson Convention was not a boundary convention, nor one of territorial compensations, nor a cession of territory, but simply of arbitration, and as Panama does not accept the White Award, therefore none of the dispositions contained in the convention that gave rise to the award have for her any value.

Third, that the conduct of Panama in this case is identical with that which Costa Rica adopted with respect to the Loubet Award, and that the same right which Costa Rica had to disregard the award of 1900 Panama has to-day to disregard the award made by Mr. Chief Justice White.

Fourth, that as Costa Rica did not wish to deliver to Panama the valley north of the Sixaola, adjudged to Panama in a clear and indisputable manner by the Loubet Award alleging that until an agreement was arrived at she would continue exercising temporary sovereignty over the zone which she was administering by virtue of the status quo, so Panama believes that she is entitled to retain in her power the zone which she has possessed de facto on the Pacific side.

Fifth, that the principles sustained by President Porras in Resolution No. 96 of November 23, 1912, are none other than those which as Minister he set forth in a note addressed to this Chancellery August 14, 1909, opposing the appointment by Costa Rica of a fiscal authority on the left bank of the Sixaola.

Sixth, that the Government of Costa Rica did not share the opinion of Minister Porras and on the contrary maintained and still maintains the authority in reference.

Seventh, that therefore the inconsistency of Costa Rica is evident in asking that the principles be applied in Panama which Costa Rica rejected in 1909.

Eighth, that according to a declaration of the Minister of Foreign Relations in a note of August 13, 1909, the frontier line between the Republics according to the status quo, started on the Pacific side at the mouth of the Golfito River.

Such, with difference of phraseology, are the reasons which your excellency sets forth for considering inadmissible the protest which I had the honor to present against the establishment of various administrative authorities in different places on the coast north of Punta Burica.

Knowing, as I do, the equity which at all times has inspired the proceedings of the Government of your excellency, I cherish the well-founded hope that the attitude that it to-day assumes with regard to this affair will be replaced by another entirely in conformity with the desires of my Government, as soon as your excellency has examined the reasons I shall now give as to the error of the premises on which the allegations of your excellency rest.

I.

The information received by your excellency that the locating in October last of Panaman authorities to the north of Punta Burica introduced nothing new

in the administration of those places, since nothing more was done than to change the personnel in regions where Panama had always maintained these authorities, is erroneous. The data furnished to your excellency in this respect are not reliable, and I am going to demonstrate it, availing myself for this purpose of documents emanating from the contrary party.

The instructions given in Bogotá by the Secretary of Foreign Relations of Colombia to Minister Holguin on the 18th of July, 1880, in the official part say * * *

You will observe also that the 6th of the conclusions approved by the Senate says: "Costa Rica, it is asserted, has established a town on Golfo Dulce in the territory comprised between the Golfito River, the reputed international limit, and Punta Burica." This town has the name of Isola, and because founded and administered by Costa Rican authorities it has been stated to you that the jurisdiction of Colombia has extended to the Golfito River for a long time, since at the present time the Costa Rican Jefatura of Golfo Dulce, which before came only to the Golfito River, has extended its jurisdiction to the village of Isola, built some six years ago.

The Government of Colombia desirous of giving the matter a turn which will tend to a fraternal solution, has determined that you, instead of going directly to England, will proceed first to San José de Costa Rica and, after making the explanations contained in this instruction, you will manifest to the Government of that country that, as a measure previous to all discussion and every act which may put an end to this annoying subject, the Government of Colombia proposes that both countries respect the jurisdictional *status quo*, and that in consequence the Costa Rican authority placed in the cocoanut plantations of Burica should be immediately retired and the exploitations of the plantations of that district restored to the individual to whom it belongs by virtue of the grant made by Colombian functionaries in the district of Alanje. With respect to the town of Isola you will not make the same demand, because no protest was made in due time against the establishment of Costa Rican authorities in that place; and although this Government does not accept the territorial modification which that act implies, it leaves its settlement for the final agreement, because it considers that that tolerated occupation would not be voluntarily changed by Costa Rica except by virtue of agreements which shall put an end to the debate in all its parts; and a rupture for an act acquiesced in during six years would not be sufficiently justified.

Fourteen years afterwards the Minister of Foreign Relations of Colombia said in the Memoria which he presented to Congress in 1894:

On the Pacific side, the Government of Costa Rica admitted, as far back as 1880, that it could not occupy territory situated on *this side of Punta Burica*, at the demand of our Government it vacated that territory in a manner that may be called formal; nevertheless it has just become known from an entirely trustworthy source that in that territory, exclusively under the jurisdiction of Colombia, they are establishing colonies under the protection, it is alleged, of the San José Government and without the consent of the Government of Colombia.

The theoretical statement of our rights and the protests against their violation have not, therefore, had the desired effect; and in this situation the Vice Presiden of the Republic has instructed me to direct a note to the Minister of Gobierno setting forth the state of affairs and the necessity of organizing in Panama two peaceful but active and efficient expeditions, to go, one to Punta Burica and the other to the Sixaola, for the purpose of making at the principal points of those districts an investigation of the state of affairs and make the rectifications which the rights of the Republic require. (Taken from Foreign Relations of the United States, 1894, pp. 194–195.)

As your excellency sees, the Republic of Colombia, even when it was alleging that its de jure jurisdiction extended to the Golfito River, agreed that it did not de facto reach farther than Punta Burica. This was the limit which it did not consent that the Costa Rican authorities overpass; where it exacted that the rights of the purchase of cocoanut plantations should be respected; and where it sent expeditions to verify whether there were certain intrusions of Costa Rica to the south of that place.

Colombia, then, never had authorities to the north of Punta Burica; on the contrary it respected those which Costa Rica had, provided that they did not extend to the ococanut plantations of the Point. Panama could introduce no change in this policy, because when in 1903 she arose to a life among the nations she found herself with her northern limits those which the Loubet Award had fixed, the award to which she rendered such great homage that she even incorporated it in Article 3 of her Constitution and whose effectiveness did not come to be held in doubt until the 30th of January last, the date of the note in which your excellency sets forth the theory that our frontiers ought to be considered in conformity with the doctrine of uti possidetis.

If any doubt should yet remain to your excellency in this particular, I beg that to dispel it you ask for data from the Secretary of Hacienda and you will be convinced that the authorities which he located in October, personally, are the first which Panama has had there and not successors of others, as has erroneously been stated to your excellency.

II.

Evidently your excellency labors under an error when you consider that the Anderson-Porras Convention was not a boundary convention but purely and simply one of arbitration.

If your excellency would read the convention you would find that it has two characters: one as a definite and perfect boundary treaty and the other as an arbitration treaty. The parties commence by declaring, in the most formal and explicit manner their acceptance of the frontier line fixed by the Loubet Award on September 11, 1900, as it runs from Punta Burica to a point in the Central Cordillera above Cerro Pando, near the ninth degree of north latitude; and they end by saying that as they have not been able to come to an agreement as to the rest, that is to say, from Cerro Pando to the Atlantic, they agree to settle their differences by submitting them to the decision of the Chief Justice of the United States.

This double nature of the treaty is so clear and evident that I cannot suppose that your excellency insists on considering it nothing more than a convention of arbitration.

If the Government of Panama believes—without any reason indeed—that the White Award has defects that invalidate it, it could, by following a criterion extreme and untenable after even superficial examination, refuse to accept that award and therefore hold as non-existent the convention from which it emanates; but only in so far as this convention refers to arbitration and never in regard to a formally established territorial boundary.

If the Republic of Panama should insist on considering itself empowered to hold as the frontier line on the Pacific side any other than that running from Cerro Pando to Punta Burica, then, Mr. Minister, we should have the profound regret of supposing that certain novel theories about the respect which treaties deserve are finding acceptation in republican countries.

Sincere and convinced admirer as I am of Panama and of her men, I am absolutely confident that the illustrious Government of your excellency will act in this case in conformity with its clean traditions, rendering full homage to the plighted word and to the honor and dignity of the nation, given in guaranty.

III.

The information which your excellency has received about the third point is equally unfounded.

Costa Rica never, at any time, disregarded the Loubet Award.

It could have had a thousand reasons for doing so, but it preferred to sacrifice the clearest rights rather than assume an attitude which might be interpreted as disrespectful of the sanctity of a covenant. And so great is the value which Costa Rica gives to its word that it let pass without protest an award that deprived it of one of the richest and most important regions of its territory, namely the Province of Bocas del Toro and Almirante Bay.

Well now, as the award was worded in a manner so confused, not to say incoherent; as it spoke of an imaginary counterfort and referred to the drainage basin of a river which all the Colombian maps make to appear as running in a direction contrary to that in which in reality it does run, my Government saw itself obliged to beg the Arbitrator to give a clearer explanation of the various obscure points which appear in the award.

The Arbitrator, through his Minister of Foreign Relations, M. Delcassé, stated that as he lacked the precise geographic elements he could not designate the frontier except by means of general indications and that, therefore, he believed it inopportune to mark it on a map; that, therefore, it ought to be drawn within the limits of the territory in dispute; and, finally, that he left it to the good will of the parties to settle between themselves whatever difficulties might arise in the execution of the award.

Costa Rica, then, authorized by such an explicit statement by the Arbitrator, negotiated, first with Colombia and afterwards with Panama, in order to come to an agreement as to the interpretation which should be given to the clauses which the Arbiter himself found were no more than general indications, and for the correct interpretation of which the good will of the parties was necessary.

There was no difficulty in regard to the Pacific region. The parties were agreed in considering as *clear and indisputable* the frontier line designated by the Arbitrator in the part from Punta Burica to Cerro Pando. But as

they did not succeed in arriving at the same understanding in regard to the part which follows from Cerro Pando to the Atlantic, they agreed to submit their differences to a third party.

Admirably chosen was the third party. No one less was sought than the Chief Justice of the United States, a man selected among a hundred millions to say the last word in the controversies which divide the parties; the Magistrate whose decisions the entire world surrounds with an aureole of respect and admiration.

The immense, the unspeakable satisfaction which Costa Rica experiences on seeing that the thesis she has maintained meets the approbation of a judge of the standing of Chief Justice White, has healed in great part the wound which she received at Rambouillet the 11th of September, 1900.

After the foregoing explanations, I hope that the rectitude of judgment which so greatly distinguishes your excellency will cause you to agree that Panama, in disregarding the White Award, is not following any precedent that Costa Rica has set.

IV.

In my humble opinion your excellency has suffered another error in considering that, as Costa Rica did not wish to deliver up the valley north of the Sixaola, adjudged, in the words of your excellency, in a clear and indubitable manner to Panama, alleging that until a definite arrangement was arrived at she would continue exercising over that zone the de facto sovereignty which until then she had exercised, so Panama believes she has equal right to retain on the Pacific side the regions over which she has exercised an analogous jurisdiction.

The error evidently results from the fact that the juridical situation of the two zones is absolutely different. As I have said before, the parties never succeeded in coming to an agreement in regard to the interpretation which ought to be given to the line established by the Loubet Award on the Atlantic. Costa Rica, which from time immemorial had possessed that region in fact and in right, did not share the opinion of your excellency that you consider it adjudged to Panama in a clear and undoubted manner. Far from that, she always believed that the Loubet Award declared it to belong to her, an opinion which, as your excellency very well knows, has the unappealable confirmation of the Arbitrator before whom we agreed to submit our differences.

Costa Rica could not, therefore, divest herself of a zone belonging to her for more than three hundred years of her history because Panama erroneously believed that the Loubet Award conceded it to Panama.

On the other hand, how different is the situation of the second region, that of the Pacific. There the parties did not find the least difficulty in coming to an understanding. Costa Rica, without reserve or protest of any kind, accepted gracefully a line which, ignoring the clearest and most conclusive proofs, deprived her of all the region comprised between Punta Burica and the Chiriquí Viejo River.

Panama had already most formally declared her acceptance of that line by introducing it into her Constitution. Later, in 1910, on her word of honor, she ratified this declaration, and the Executive Power was prompt to reiterate its adhesion thereto by promulgating Resolution No. 96 of November 23, 1912.

After all this, does your excellency believe that a hypothetical possession de facto is sufficient to authorize Panama to assume the attitude of violating her Constitution, a formal treaty, and the public and decisive declarations which her Chief Magistrate has made about this matter?

V.

I experience genuine satisfaction, Mr. Minister, in finding myself, in part, in accord with your excellency.

The ideas sustained by President Porras in Resolution No. 96 of November 23, 1912, are in principle the same that he held in 1909 when as Minister of Panama he gave us the honor of having him among us.

Only, in one case those ideas were correctly applied but not in the other, due to the error which Mr. Porras makes in considering the cases identical, they being, as I have had the honor to demonstrate to your excellency, diametrically opposed. But not for that reason does it cease to be true that he demonstrated in 1912 his adhesion to the ideas and general principles which he defended in 1909. Unfortunately, the attitude assumed by your excellency in the note under ac-

knowledgment would seem to indicate that Mr. Porras repudiates now what he has for so many years maintained.

VI.

It was not the ideas of Mr. Porras which my Government did not accept in 1909, but the conclusions which he sought to draw from them. It seems to me idle to repeat to your excellency that the opposition of Panama to the appointment of a fiscal authority of Costa Rica on the north bank of the Sixaola totally lacks foundation, since it was treating of a region which, de facto and de jure, Costa Rica had possessed from the middle of the 16th century and the judicial situation of which, in the opinion of my Government, afterwards ratified by the decision of Chief Justice White, did not suffer the least alteration from the Loubet Award.

VII.

With the foregoing I hope to have demonstrated the lack of reason there is for branding Costa Rica as inconsistent when she asks that measures be applied in the region of the Pacific which she did not consent to for that of the Sixaola. The absolute difference between the two situations has been explained to the point of satiety as a difference that logically requires distinct proceedings in its international treatment.

Consequently, we are once more forced to agree, Mr. Minister, that the allegations of your excellency in that respect lack foundation.

VIII.

Neither is your excellency right when you affirm that the Minister of Foreign Relations said in a note of August 13, 1909, that the boundary line between the countries commences, on the Pacific side, at the mouth of the Golfito River. No Minister of Foreign Relations of Costa Rica has ever recognized as the status quo line on the Pacific side that of the Golfito River. It is true that on different occasions Colombia proposed or sought to impose on us the adoption of that line; but the Government of Costa Rica invariably rejected all advances in that respect, as appears from numerous documents already published and particularly in the Costa Rican note of November 20, 1893, addressed to Colombia.

As I had the honor before of setting forth to your excellency, the Colombian Government, in the Memoria which the Minister of Foreign Relations presented to Congress in 1894, made a declaration upon this subject which involves the clear recognition of our possession up to the Punta Burica; and this declaration is the more valuable as it came immediately after Costa Rica had refused to recognize the line of Golfito as that of the status quo.

What caused the confusion in the mind of your excellency in referring to the note addressed to Minister Porras on August 13, 1909, is doubtless the citation from a study published by Mr. H. Pittier in 1892.

Your excellency should recall that the Legation of Panama in San José then held that the de facto jurisdiction of Panama had come to reach the north source of the Sixaola. To disprove so great an error the said note had recourse to the opinion of Mr. Pittier, demonstrating thereby and by citation of official Colombian documents how unfounded was the idea of Mr. Porras.

On this subject of the jurisdictional status quo on the Pacific side I could go much further in impugning with a great number of incontrovertible documents the Panaman theory which marks out the Golfito River as the de facto boundary. But that would be superfluous. The line of the Loubet Award having been formally accepted by the parties as to the part running from Punta Burica to Cerro Pando, no right could be deduced as to whether the boundary in this part reached this or that other point. We are treating of a question terminated, concluded, which has passed already to the category of a cause adjudged.

Thus I answer your excellency's communication. The argument is clearly on the side of Costa Rica, and the sentiment of justice which inspires the acts of the Government of Panama is so well known that I have not the least doubt that the matter will find no solution but that which right and equity impose: the retiring on the part of Panama of the authorities which in October last she located in various places to the north of Punta Burica, a retirement which I very respectfully ask anew.

I avail [etc.] MANUEL CASTRO QUESADA.

File No. 718.1915/236a.

The Secretary of State to Minister Price.

No. 137.] DEPARTMENT OF STATE,
Washington, April 28, 1915.

SIR: Both Panama and Costa Rica have presented to this Department their views in regard to the award made by Chief Justice White of the United States Supreme Court, fixing the boundary line between Panama and Costa Rica.

After an examination of the papers the Department is convinced that no exception can be taken to the procedure followed, or to the findings of the Arbitrator, and that, therefore, there should be prompt and complete acquiescence in the award made.

This is an old dispute and the value of the territory involved is insignificant compared with the annoyance and ill-feeling that it has aroused. The United States could not, of course, be a party to anything which would cast discredit upon the Arbitrator, who is the presiding officer of the highest court in our land. Neither could we view with indifference the baneful influence which a rejection of this award by either party would have upon arbitration as a means of adjusting disputes between nations; and owing to the intimate relationship existing between the United States and Panama it would be a matter of deep regret if Panama should take any steps which would indicate a lack of respect either for the principle of arbitration or for the high tribunal to which this dispute was submitted.

If any hardship is caused by the award this Government will, of course, be pleased to use its good offices to bring the parties together upon some plan which will afford an adequate remedy, but this can not be taken up, of course, until after Panama indicates a willingness to accept the award.

In the fixing of boundaries it sometimes happens that citizens of one country find their possessions included within the boundary of another country, and it is possible that the boundary line as now drawn may leave Panamans in Costa Rica, and Costa Ricans in Panama. In such case it might be possible to effect an agreement by which Costa Rica would purchase at its market value the real estate of any such Panaman who does not desire to become a citizen of Costa Rica; and, in like manner, Panama might agree to purchase at its market value all real estate of any Costa Rican who does not desire to become a citizen of Panama.

This, however, is only made as a suggestion, to indicate this Government's desire to go as far as it can in aiding the two countries to reach a final and satisfactory settlement of all differences connected with the boundary dispute.

In presenting this communication to the Foreign Office you will accompany it by assurances of our good will and of our desire to be helpful in every legitimate way to our neighbors.

I am [etc.]

W. J. BRYAN.

File 718.1915/245.

The Minister of Costa Rica to the Secretary of State.

LEGATION OF COSTA RICA,
Washington, May 5, 1915.

MY DEAR MR. SECRETARY: Some time ago [March 9] I had the honor to present to your excellency a note setting forth the reasons which, in my opinion, should operate to induce the Government of the United States to interpose its good offices before the Government of Panama for the purpose of bringing about the acceptance by that Government of the award of the Chief Justice in the Costa Rica-Panama Boundary Arbitration.

Relying upon the unfailing kindness of your excellency, I beg that you will inform me whether, in view of these reasons, your excellency has decided to lend your support towards the carrying out of the Chief Justice's arbitral decision. This information will, of course, be received in the strictest confidence, and will be brought to the attention of none other than the President of the Republic of Costa Rica.

This [etc.]

R. BRENES MESÉN.

File No. 718.1915/245.

The Secretary of State to the Minister of Costa Rica.

DEPARTMENT OF STATE,
Washington, May 8, 1915.

MY DEAR MR. MINISTER: I am just in receipt of your favor of May 5 referring to your former note in regard to the award made by Chief Justice White, arbitrator in the dispute between Costa Rica and Panama. After a careful examination of the case this Government feels it to be its duty to lend such influence as it may properly exert toward the carrying out of the award made, and has sent to the American Legation at Panama a communication which will so inform the Government of Panama.

At the same time this Government ventures to express the hope that the Governments of Costa Rica and Panama will consider in a spirit of neighborliness and friendship such incidental questions as may arise in connection with the carrying out of the award. The boundary line, so long in dispute, being now definitely determined, it is of the highest importance that all animosities which have grown out of the controversy should be forgotten and that the countries act toward each other with liberality in respect to the rights of those of either country who now find their residence included within the territory of a government of which they are not citizens.

It is respectfully suggested for the consideration of the two Governments that it would safeguard from pecuniary loss individuals affected by the change in boundaries, if each Government would agree to purchase, at its market value, any property belonging to a citizen of the other country whose property has, by the change in the boundary, passed under the jurisdiction of a government different from that to which he owes allegiance.

Accept [etc.]

W. J. BRYAN.

File No. 718.1915/237.

Minister Price to the Secretary of State.

No. 521.] AMERICAN LEGATION,
Panama, June 3, 1915.

SIR: I have the honor to transmit a copy of my note sent to the Foreign Office of Panama in compliance with the Department's instruction No. 137 of the date of April 28 last, relating to matter of the acceptance by Panama of the award rendered by Chief Justice White in the boundary dispute between Costa Rica and Panama.

Some weeks ago Panama reestablished its Legation in Costa Rica, which had been abandoned several years ago, and appointed Señor Santiago de la Guardia as Envoy Extraordinary and Minister Plenipotentiary to the Republic. The new Minister is an able man; has affiliations in Costa Rica; in fact, I understand that some years since, when he lived there, he occupied high official positions, including that of a cabinet portfolio at one time. He has been a leader in law and politics in Panama since the establishment of the Republic, having at one time been Secretary of Foreign Affairs. Señor de la Guardia is and has been affiliated with the Conservative party in Panama and an opponent of the present administration.

The Panaman Foreign Office admit that his appointment was for the purpose of attempting to further a compromise settlement with Costa Rica following the rendition of the award of Chief Justice White.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1.]

Minister Price to the Minister for Foreign Affairs.

No. 184.] AMERICAN LEGATION,
Panama, May 31, 1915.

EXCELLENCY: I have the honor to inform your excellency that I am in receipt of a communication from the Secretary of State of the United States of America, in which I am informed that both Panama and Costa Rica have presented to the Department of State their views in regard to the award made by Chief Justice White of the United States Supreme Court, fixing the boundary line between Panama and Costa Rica.

After examination of the papers the Department of State is convinced that no exception can be taken to the procedure followed, or to the findings of the Arbitrator, and that, therefore, there should be prompt and complete acquiescence in the award made.

The Department calls attention to the fact that this is an old dispute and is impelled to believe that the value of the territory involved is insignificant compared with the annoyance and ill-feeling that it has aroused. It is, of course, taken for granted that no action of either interested party with reference to said award could be of a character which either of them would be willing to have susceptible of the construction of casting discredit upon the Arbitrator, who is the presiding officer of the highest court in our land. Neither could my Government view with indifference, I am instructed to say, the baneful influence which a rejection of this award by either party would have upon arbitration as a means of adjusting disputes between nations. And, owing to the intimate relationship existing between the United States and Panama, it would be a matter of deep regret if Panama should take any steps which would indicate a lack of respect either for the principle of arbitration or for the high tribunal to which this dispute was submitted.

If any hardship is caused by the award, my Government will be pleased to use its good offices to bring the parties together upon some plan which will afford an adequate remedy; but this cannot be taken up, of course, until after Panama indicates a willingness to accept the award.

In the fixing of boundaries it sometimes happens that citizens of one country find their possessions included within the boundary of another country, and it is possible that the boundary line as now drawn may leave Panamans in Costa Rica, and Costa Ricans in Panama. In such case it might be possible to effect an agreement by which Costa Rica would purchase at its market value the real estate of any such Panaman who does not desire to become a citizen of Costa Rica; and, in like manner, Panama might agree to purchase at its market value all real estate of any Costa Rican who does not desire to become a citizen of Panama.

This, however, is only made as a suggestion, to indicate my Government's desire to go as far as it can in aiding the two countries to reach a final and satisfactory settlement of all differences connected with the boundary dispute.

In presenting the foregoing views of the United States of America to the Foreign Office of the Republic of Panama, over which your excellency so worthily presides, I am instructed to express assurances of the good will of my Government and, also, of its earnest desire to be helpful in every legitimate way to all of its neighbors.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 718.1915/238.

Chargé Endicott to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
San José, June 24, 1915.

Costa Rican Minister for Foreign Affairs has verbally requested me to inform you that an extraordinary mission from Panama headed by Santiago de la Guardia accredited as Envoy Extraordinary and Minister Plenipotentiary has arrived at San José with the object of reaching an agreement to modify the boundary question decided by the Chief Justice; that the Costa Rican Government refuses to treat of this matter with Guardia as it considers that it should be settled by the judgment; and that the only thing that the Costa Rican Government desires is to proceed as soon as possible to matter of delimitation, for which it counts on the good offices of the United States.

ENDICOTT.

File No. 718.1915/240.

Minister Price to the Secretary of State.

[Extract.]

No. 574.] AMERICAN LEGATION,
Panama, August 2, 1915.

SIR: I have the honor to transmit a copy of a note and of its translation received from the Secretary of Foreign Affairs of Panama in response to a note sent in accordance with the Department's instruction No. 137 of April 28 last, regarding the matter of the award made by Chief Justice White of the United States Supreme Court in the boundary controversy between Panama and Costa Rica. A copy of my note last mentioned was forwarded to the Department with my despatch No. 521 of June 3.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Minister for Foreign Affairs of Panama to Minister Price.

No. S–7456.] FOREIGN OFFICE,
Panama, July 28, 1915.

Mr. MINISTER: I have the honor to acknowledge the receipt of your note No. 184, of the 31st of May last, in which you declare that you have been informed by his excellency the Secretary of State of the United States of America that both Panama and Costa Rica have presented to that Department their views in regard to the award made by the Honorable Chief Justice White in the matter of boundaries between the two countries, and that, after examination of the respective papers, said Department is convinced that no exception can be taken to the procedure followed nor to the findings of the Arbitrator, and that, therefore, it is hoped that both parties would respect the award; and that your excellency's Government could not view with indifference the rejection of that award by either party, because this would imply a lack of respect for the principle of arbitration as a means of solving international disputes, or for the high tribunal to which this dispute was submitted; and in conclusion offering the good offices of the Government of the United States to the effect that both parties come to some agreement in order to regulate definitely and satisfactorily the question of boundaries, until after Panama indicates its willingness to accept the award.

In reply, permit me, in the first place, to dwell upon that which the Minister of Panama accredited to the Government of your excellency declared to the Department of State on making known the opinion of my Government with respect to the award made by the Honorable Chief Justice White; that is, our conclusions in no way signified any undervaluation of the institution of arbitration nor of the high official who presides over the highest tribunal of the United States of America.

The Republic of Panama has professed since its foundation the greatest respect for the principles of arbitration. This was demonstrated, first, by including in its Constitution the decision of President Loubet in spite of the fact that Colombia and Costa Rica had not been able to agree upon on this matter; it was also demonstrated at the signing of the Porras-Anderson Convention with Costa Rica which gave rise to the last arbitration, by its opposing the grant to the Arbitrator of powers other than those necessary to interpret the Loubet Award, because any course would have been equivalent to annulling it, thus undervaluing the principle of a binding arbitration. It was with this very purpose—not to impair the principle of arbitration—that Panama has declared that she does not feel obliged to accept the award of the Honorable Chief Justice White, since in place of interpreting the Loubet Award, as had been agreed upon, it has resulted in annulling and modifying it.

The declaration made by Panama does not, furthermore, imply any lack of respect for the high official to whom this dispute was submitted, since it does not imply any lack of respect for a tribunal to appeal from the decision rendered on account of a belief that the judge has exceeded his powers.

Having made this clear, it remains for me to say to your excellency that my Government is very grateful for the kind offer made by the United States of America, which goes to demonstrate again the interest always taken by the great Republic in matters referring to the well-being of the American nations and especially that of Panama.

As your excellency knows, my Government in order to demonstrate its good will to settle this matter in a satisfactory and definite way, and by making a real sacrifice considering the financial situation of all nations by reason of the conflict in Europe, has recently accredited a Minister near the Government of Costa Rica; and there is no doubt that, by means of the good will shown on both sides, the two Republics will soon be able to arrive at a complete settlement of their boundary dispute.

Unfortunately, the Minister referred to, Dr. Don Santiago de la Guardia, has had to leave Costa Rica for a few days, due to the bad state of his health; and direct negotiations can be renewed only when he has been reestablished in his post.

The Government of your excellency could in the meantime contribute to the solution of the matter by means of its good offices, and our gratitude would be lasting if it would abet us in the sense that in case Panama accept the award of

Chief Justice White in the region of the Atlantic, due compensation shall be given it in the Pacific.

In transmitting again to the Government of the United States, through the worthy medium of your excellency, our sincerest thanks for its good will toward Panama, allow me [etc.]

E. T. LEFEVRE.

File No. 718.1915/240.

The Secretary of State to Minister Price.

No. 169.] DEPARTMENT OF STATE,
Washington, September 9, 1915.

SIR: The Department has received your despatch No. 574, of September [August] 2, 1915, transmitting a copy of a note dated July 28 last, from the Secretary for Foreign Affairs of Panama, in which Mr. Lefevre requests that in case Panama accepted the award of Chief Justice White in the region of the Atlantic, this Government use its good offices to the end that due compensation be given to Panama in the Pacific.

Should you be advised officially and in writing that Panama would accept unconditionally the decision of the Chief Justice, the Department, as you have already been informed, would be willing to use its good offices to bring about an amicable adjustment of any hardship thought to exist by reason of the award. In that event the Department would be glad to learn the nature of the compensation sought by Panama.

I am [etc.]

ROBERT LANSING.

File No. 718.1915/242.

The Minister of Costa Rica to the Secretary of State.

[Translation.]

LEGATION OF COSTA RICA,
Washington, September 27, 1915.

MR. SECRETARY: The courtesy with which the Department over which your excellency presides has always received the communications of my Government prompts me to encroach upon your valuable time with a matter of the greatest importance to my country, of such grave import, indeed, that it might well force a people of even such intense devotion as mine to the ways of peace to exchange their life of order and industry for the lamentable and hazardous condition of war.

I allude, Mr. Secretary, to the offensive and unjustifiable attitude assumed by the Government of the Republic of Panama in establishing their authorities on territory which has been recognized by that very Government in the most formal and positive manner as indisputable property of Costa Rica, namely the territory extending from Cerro Pando in the Central Cordillera to Punta Burica on the Pacific Ocean.

By the Convention of March 17, 1910, between the Governments of Costa Rica and Panama, entered into under the generous and fraternal mediation of the Government of the United States, both

parties declared the frontier line fixed by His Excellency the President of the French Republic in the arbitral award rendered at Rambouillet on September 11, 1900, to be wholly free from doubt to be *clear* and *unquestionable*, with respect to the region on the Pacific; that is, the line that runs "from Punta Burica to a point beyond Cerro Pando in the Central Cordillera near the ninth degree of north latitude."

This formal agreement, this perfect and definitive boundary treaty was duly ratified, and from that moment Costa Rica stood inhibited from extending her sovereignty a single inch to the south of Punta Burica, and Panama, on her side, was equally inhibited from extending herself to the north. So clear, so clean-cut is that legal status that I am at a loss to understand, in spite of the closest study, how anyone can reach a different conception of the situation.

Nevertheless, the Government of Panama, not content with the White award, formally notified my Government of its positive and final determination to withhold its acceptance thereof; to hold, therefore, the Treaty of March 17, 1910, which was the basis of the said award, as null and of no value; and to continue to hold as the frontier with Costa Rica the line of the status quo claimed by Colombia prior to the rendition of the Loubet Award of September 11, 1900.

Proceeding at once from words to deeds, Panama dispatched one of her high functionaries—the Subsecretary of the Treasury—to locate various administrative authorities in different places situated to the north of Punta Burica; that is, in the zone which, under the guaranties of her good faith and her given word, she had declared in 1910 to be the indisputable property of Costa Rica.

I should here note that the Government of Panama took this step at the very moment when Dr. Ricardo J. Alfaro was in Costa Rica as Special Envoy of her Government under instructions to notify my Government of her refusal to accept the White Award, and at the same time to assure us, in the most emphatic manner, that his Government would take no measures that would in the slightest degree depart from legality.

Imagine, therefore, how great our surprise when informed of the illegal step which the Government of Panama had just taken; so profound was the impression made upon us thereby that for the moment we could not give credence to the report. While awaiting the report of a commission sent to ascertain the facts, the United States Minister, apprehending that hostilities were imminent, generously offered his friendly mediation, under instructions from his Government, to the end that no violent measures might be taken, but, rather, that an effort might be made to ascertain whether an amicable adjustment might be brought about. That distinguished diplomat at the same time announced that similar instructions had been dispatched to His Excellency the American Minister at Panama, since the Government of the United States desired to do everything in its power to prevent a rupture between the two neighboring countries growing out of the boundary dispute that had existed for so many years between them.

It was with great satisfaction that my Government hastened to accept the generous offer of his excellency Minister Hale. So many and so oft-repeated have been the occasions in which the American

Government has come to the assistance of our menaced rights, through its fraternal interest; so well-justified, so absolute and complete, has been the confidence of the people and Government of Costa Rica in the high sense of equity of the American statesmen, that the very opportune initiative on the part of Mr. Hale came as a charm to quiet the fears incited by the action of Panama.

Unfortunately, many and exceedingly delicate problems have arisen during these last few months to absorb completely the attention of your excellency's Government and have naturally prevented attention to our matter. For this reason, and also with the desire clearly to establish the facts, my Government addressed itself directly to that of Panama protesting against the unlawful occupation and asking for the immediate retirement of the authorities so illegally established.

The reply, as might have been expected in view of the attitude that had been assumed, was adverse, and from that moment my Government spared no efforts, of whatever nature, to vindicate our legitimate rights so deeply and gratuitously injured.

That, then, is the question, Mr. Secretary. As a final effort to arrive at a solution of that question without having recourse to the lamentable excesses of violence, my Government has instructed me to request your excellency to be so good as to interpose your valued influence with the Government of Panama to the end that it may be induced to accept fully and without reserve the award rendered by The Honorable Chief Justice White and to retire immediately the authorities illegally established as above stated, and to proceed to appoint a commission to mark out our frontiers.

If your excellency will consult the details of the steps initiated by this Legation in its note addressed to your Department on the 9th of March of the present year, you will find that the Government of the United States—the guarantor of the integrity of Panama's territory—in replying to that note on the 8th of May, over the signature of the Secretary of State, recognized the validity of the White Award and at the same time offered to exert all its influence to bring about its acceptance.

The kind reception accorded on a former occasion by your excellency to the suggestion of this Legation respecting the payment of the emoluments due the honorable Arbitrator, Mr. Chief Justice White, the exquisite tact and discretion with which your excellency brought that transaction to a conclusion, give me a sure ground for the hope that in this instance your excellency will take the same friendly interest that was demonstrated in the other, and that thus, at an early date, my country may add to its debt of gratitude to the noble American nation this further service which, perhaps, may prove to be the greatest of all.

In order that your excellency may form a clear idea of the question, permit me to send you herewith, under separate cover, a copy of the last Memoria presented by our Department of Foreign Relations to the Constitutional Congress, and a translation into English of several of the most important documents[7] appearing therein * * *.

I am [etc.]

MANUEL CASTRO QUESADA.

[7] Already printed ante.

File No. 718.1915/243.

Minister Price to the Secretary of State.

No. 638.] AMERICAN LEGATION,
Panama, October 8, 1915.

SIR: I have the honor to transmit a copy of a note sent to the Secretary of Foreign Affairs of Panama in the matter of the boundary dispute between Panama and Costa Rica, and in compliance with the Department's instruction No. 169 of September 9.

I have [etc.]

WM. JENNINGS PRICE,

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 240.] AMERICAN LEGATION,
Panama, October 8, 1915.

EXCELLENCY: I have the honor to communicate that the courteous and attractively phrased note of your excellency, No. S–7456 of July 28, 1915, in the matter of the boundary dispute between Panama and Costa Rica, has had the interested consideration of the Department of State of my Government.

In view of the reference at considerable length in my note, No. 184, of May 31, 1915, to the delicate matters involved in this situation, the privilege is requested of making reference thereto, and I am authorized by the Department of State of my Government to state that if your excellency's Government will officially advise in writing the Department of State of my Government of its unconditional acceptance of the decision of the Honorable Arbitrator, Chief Justice White, said Department will be willing to use its good offices to bring about an amicable adjustment of any hardship thought to exist by reason of the said award, and that in such event the Department of State will be glad to learn with as much definiteness as possible the nature of the compensation sought by your excellency's Government.

The good will of my Government and its abiding desire to aid its neighbors in all legitimate ways are again assured and while awaiting the convenience of your excellency with reference to further response herein,

I avail [etc.]

WM. JENNINGS PRICE.

CONTROL BY THE UNITED STATES OF WIRELESS TELEGRAPH STATIONS IN PANAMA.[8]

File No. 819.74/68.

Minister Price to the Secretary of State.

No. 458.] AMERICAN LEGATION,
Panama, March 31, 1915.

SIR: Referring again to the matter of our control of wireless telegraphy in the Republic of Panama and its territorial waters and of the adherence by Panama to the London International Radio-telegraphic Convention, I have the honor to report that while at the office of the Secretary of Foreign Affairs of Panama a day or two ago he remarked that he was in receipt of a request from the director (as he expressed it) of the affairs of the London Convention aforesaid, asking that the rules and regulations adopted by Panama in this

[8] Continued from For. Rel. 1914, pp. 1036–1052.

matter be communicated to him. I suggested to him to refer them to our authorities, as being in control of the situation, and he indicated that he would. I asked that he let me have a copy of the request for forwarding to the Department, but he did not seem disposed to give it.

Sr. Lefevre remarked in a complaining manner that as a result of their adherence to this convention an annual fee of $500 was being claimed against them, saying that he thought his Government had already paid it for the year 1914. He remarked further that after giving us control in the matter he felt these fees should be borne by our Government.

I have [etc.]

WM. JENNINGS PRICE.

File No. 819.74/71.

Minister Price to the Secretary of State.

[Extract.]

No. 540.] AMERICAN LEGATION,
Panamá, June 22, 1915.

SIR: In the matter of our control of wireless telegraphy in the Republic of Panama and referring to the last communication between the Department and the Legation in connection with the subject, being instruction No. 79 of December 2, 1914, and despatch No. 366 of December 28, 1914, I have the honor to report that in the course of a conversation with Señor Lefevre, Secretary of Foreign Affairs of the Republic of Panama, last week, he remarked that now since our radio station known as the Darien station located on the Panama Canal was in use, his Government felt that we should begin transmitting their messages over it to Bocas del Toro free of charge, stating that since we stopped the sending of radio messages from the Bay of Colon from stations on the ships of the United Fruit Company, Panama had been making use of the cable from Colon to Port Limon in Costa Rica, and the message would then have to go back to Bocas del Toro for delivery.

I have talked with Lieut. Crenshaw in charge of our radio service, and he tells me that ever since we took control of the ship station in Colon Bay we have been transmitting through our Colon land station messages for the Panaman Government; that a charge is made on such messages by the Fruit Company on account of use of the receiving station at Bocas del Toro of five cents a word; that he does not know what arrangement existed between the Fruit Co. and Panama prior thereto as to charges on messages sent through their ship stations. Lieut. Crenshaw says the Fruit Company charges our Government twelve cents a word on official messages between said points.

It is most likely that the Fruit Company charged Panama the same amount formerly and that in consideration of the control given us in said matter Señor Lefevre is soliciting that our Government assume all such charges. I understand Panama has free use of the cable aforesaid.

Señor Lefevre followed this conversation by transmitting a note on Saturday last a copy of which and of its translation is enclosed. He again takes up the matter of erection of stations in Panaman

territory for their use, a topic he did not refer to in the conversation aforesaid.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary of Foreign Affairs to Minister Price.

No. S–7000.] FOREIGN OFFICE,
Panama, June 17, 1915.

MR. MINISTER: Your excellency will remember that, at the time of the issuing by the Executive Power of Decree No. 130 of August 29, 1914, yielding control to the Government of the United States of America of the radio-telegraphic communications in the territory and adjacent waters of the Republic of Panama, you told me that, on the part of the Government of your excellency, there was not implied any lack of knowledge as to the necessities which Panama has in the question of radio-telegraphy.

The work of colonization and civilization in the rich region of San Blas having been started by the Government of the Republic, the undersigned thinks that the moment has arrived for establishing a wireless station by the United States at the entrance of the gulf of the same name, to be followed by similar stations in the bays of Puerto Obaldia and Darien, which are the most urgent, in accordance with what I told your excellency in the note to which I have above referred.

Likewise the Government of Panama desires that the practice should be commenced which was offered by your excellency in the name of your Government, in Foreign Office note No. 30, of February 16, 1914, of transmitting and receiving, free of charge, in the wireless stations all official communications of the Panaman Government.

I allow myself to beg of your excellency that you will use your good offices so that your Government may yield to these expressed desires, and with thanks in advance I take this opportunity [etc.]

E. T. LEFEVRE.

File No. 819.74/72.

Minister Price to the Secretary of State.

No. 555.] AMERICAN LEGATION,
Panama, July 12, 1915.

SIR: Referring to my despatch No. 458 of March 31, 1915, reporting that the Secretary of Foreign Relations had stated to me that the Director of the London Inter-national Radio Convention had requested the transmission to him of the rules and regulations adopted by Panama with reference to wireless telegraphy and wireless stations within its jurisdiction, I have the honor to report that, after twice asking at opportune times Señor Lefevre for a copy of said communication and his promising to send it, I have received a note from him stating that the Secretary of Government and Justice of Panama had answered said Director

that the rules adopted are the same that have force in the United States of America by reason of them having taken charge, according to the convention celebrated with Panama, for the service of wireless communication.

A copy of said note and its translation are enclosed.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary of Foreign Affairs to Minister Price.

No. S–7190.] FOREIGN OFFICE,
Panama, July 3, 1915.

MR. MINISTER: I have the honor to confirm the declaration made to your excellency in our interview of yesterday, that at the commencement of the month of April last the Director of the International Bureau of the Wireless Telegraph Union addressed the Secretary of Government and Justice declaring to him that Panama would adhere to the rules of the International Wireless Telegraph Convention from the 14th of July, 1914, which has been brought to the knowledge of the Governments that form part of the Union, in circular No. 1 of March 1, 1915.

As this Director solicited at the proper time the laws and decrees that regulate our wireless service, the Secretary of Government and Justice has answered him that the rules adopted are the same that have force in the United States of America, by reason of them having taken charge, according to the convention celebrated with Panama, of the service of wireless communication.

I take [etc.]

E. T. LEFEVRE.

File No. 819.74/73.

The Minister of Panama to the Secretary of State.

[Translation.]

LEGATION OF PANAMA,
Washington, August 25, 1915.

EXCELLENCY: After a long exchange of correspondence between the Secretary of Foreign Relations of the Republic of Panama and the Minister of the United States, my Government issued a decree putting the Panama Canal authorities in control of the wireless communications of the Republic with the understanding that the Government of the United States assumed the obligation to build at least four wireless stations at various points of the Panaman territory to be agreed on later, with the object of keeping those parts in easy and constant communication with the capital of the Republic.

My Government has instructed me to say to the Government of your excellency that it is absolutely indispensable for the good of the public service that telegraphic communication be established with the distant Panaman regions known as San Blas and Darien, and as the wireless is controlled by the authorities of the Canal Zone, the Government of the Republic cannot build its own stations, I have been further instructed to ask that your excellency's Government issue appropriate orders to the Canal Zone authorities to build, on agreement with the Panaman Government, one or two wireless stations on the Atlantic coast called San Blas and one on the Pacific Coast in the Darien district.

These obligations stand in the convention proposed on February 16, 1914, to my Government by the Legation of the United States at Panama.

I am [etc.]

EUSEBIO A. MORALES.

File No. 819.74/73.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, September 9, 1915.

SIR: I have the honor to call your attention to the question of wireless telegraphy in the Republic of Panama. You will recall that this was long a matter of negotiation between the United States and Panama, and that, during August, 1914, a decree was issued by the Panaman Executive whereby the United States was given a permanent control of the wireless situation in the Panaman Republic, this control being "complete and permanent" of "everything relating to wireless communication in the territorial waters of Panama."

In October, 1914, William P. Cresson, the American Chargé d'Affaires in Panama, after a consultation with the Governor of the Canal Zone, reported to this Department that Colonel Goethals believed "no wireless stations whatever should be authorized in the Zone which are not under the direct control of the United States Government. Any such stations should be erected at the expense of the Panaman Government." "* * * no stations should be considered on the San Blas coast or near the frontier * * *" and, in the Colonel's opinion, "the whole matter had best be maintained in statu quo" until the end of the war.

In this connection there is transmitted herewith a copy of a translation of a note received from the Panaman Minister in Washington. Before replying to the note of the Minister this Department would be glad to know if the position of the Canal authorities is still such as was stated to Mr. Cresson by Colonel Goethals. The Department will be glad to have a statement of the reasons for the position of the Canal Zone authorities that no wireless station should be considered on the San Blas Coast, or near the frontier, and the reasons, if any now exist, why the whole matter had best be maintained in statu quo until the end of the war, since complete and permanent control of the wireless stations in Panama has been given to the United States.

I have [etc.]

ROBERT LANSING.

File No. 819.74/76.

The Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, December 15, 1915.

SIR: Referring to your letter of September 9, relative to the question of wireless telegraphy in the Republic of Panama, in which you request a statement of the reasons for the position of the Canal Zone authorities that no wireless station should be considered on the San Blas coast, or near the frontier, I beg to inclose for your consideration the statement of the Governor of the Canal and the rec-

ommendations of the Superintendent of Radio Service of the Navy Department, which are substantially in accord with the views expressed by the Governor and which have received the approval of the Secretary of the Navy. The views expressed in the 7th endorsement thereon are approved by me.

Very respectfully,

LINDLEY M. GARRISON.

[Inclosure 1.]

The Governor of the Canal to the Adjutant General.

OFFICE OF THE GOVERNOR,
Balboa Heights, C. Z., October 18, 1915.

The Republic of Panama has granted to the United States complete and permanent control over all wireless communication in that Republic. The only way in which such control can be exercised is to have the Navy Department approve the location and plans of the proposed installations and operate the stations after their completion. If the location and plans of the proposed station on the San Blas coast meet with the approval of the Navy Department and that Department is prepared to operate the station after its completion there is no objection to the establishment of such station by the Panaman Government. It is understood, of course, that any station so established shall be erected at the expense of the Government of the Republic of Panama.

GEO. W. GOETHALS.

[Inclosure 2.]

The Superintendent of Radio Service to the Chief of Naval Operations.

DECEMBER, 2, 1915.

The Superintendent wishes to place before the Department the following correspondence connected with the matter of control of radio in the Republic of Panama:

(a) Copy of the Joint Board's letter to the Secretary of the Navy under date of October 17, 1913.
(b) Copy of Joint Board's letter to the Secretary of the Navy under date of November 19, 1913.
(c) Copy of Secretary of Navy's letter to Secretary of State, dated November 20 (22?) 1913.
(d) Copy of letter from Secretary of State dated August 17, 1914.
(e) Copy of letter from Secretary of State dated August 31, 1914, with attached paraphrase of dispatch from American Minister at Panama.

The correspondence above referred to does not indicate that any agreement has been consummated involving obligations, as outlined in the Joint Board's letters, on the part of the United States, to erect radio stations in Panama at such places as are mutually agreed upon by representatives of the two countries; but that certain obligations on the part of the United States Government are implied, dependent upon the concession by the Government of Panama of one or all of the points outlined by the proposal of the Joint Board, appears unquestioned.

The extent to which the Government of the United States is obligated in the matter as a result of the decree of the President of Panama, dated August 29, 1914, giving this Government control over radio stations and radio communication in the Republic of Panama, should, in the opinion of the Superintendent, be governed by considerations of the mutual benefits derived by the two Governments as a result of the decree, and these considerations were evidently the determining factors in the proposed agreement drawn up by the Joint Board. The lack of any definite agreement as to mutual obligations, in the event of one or the other Government not engaging itself to concur in all of the proposals submitted, as is believed to be the present status, makes it necessary to

outline what is considered, from the standpoint of the Navy, an equitable plan indicating the extent to which this Department should obligate itself in the matter of the supervision of radio in the Republic of Panama.

The location of radio stations on the San Blas coast and in the Darien section will be of little military value to the United States Navy, even if sufficient protection is afforded, and they would be of no military value if not securely defended against attack. If the stations are erected at those places it would devolve on one or the other of the Governments to furnish this protection if they are to be of any value to the United States Navy, or for that matter to the defenses of the Canal. The erection of such stations would, of course, furnish means of communication with the outlying regions where they would be located, but the same communication could be maintained by land telegraph or telephone. This feature is mentioned on account of the fact that the Panaman Government has adhered to the London Radio Convention, and the provisions of that convention require each of the contracting parties "to connect the coastal stations to the telegraph system by special wires, or at least to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system." It would seem, then, that the Panaman Government is not strictly obligated to connect the radio stations with their telegraph or telephone system, and it is not believed that such connection would be made as, if it were, the necessity for the radio stations for Panama's purposes would disappear. The reason for the Panaman Government's desire to have the stations erected in the localities mentioned (viz., San Blas and Darien districts) is, it is believed, in order to communicate promptly by radio with the center of government, as those districts are more or less centers of unrest. The importance to the Panaman Government of having prompt communication with these districts is therefore considerable, but in any case the reliability of the radio communication would depend primarily upon the security of the radio stations themselves.

It will be noted that the engagements proposed by the Joint Board on the part of the United States contemplated the erection of such stations as might be demanded by the *exigencies of the shipping* in the vicinity of Panama, such exigencies to be determined jointly by the Governments of the United States and Panama. It is believed that no determination has been made in this matter and as outlined above the necessity of the stations being erected for communication with ships does not appear the primary, or in fact any reason advanced by Panama for their erection.

In view of that fact that complete control has been given the Government of the United States over radio in Panama, and also of the fact that Panama has signified her adherence to the London Radio Convention, thus in fact complying with all of the engagements proposed by the Joint Board as applying to that Republic, except that relating to establishment of land-line connections, the following is recommended as being just obligations on the part of this Government so far as relates to the establishment, operation, and control of radio in the Republic of Panama, it being understood that any interference from such stations as may be built could be eliminated through the proper control of their operation, which would logically rest with the Radio Officer of the Canal Zone:

1. That a representative of the Navy Department confer with the appropriate officials of the Panama Government with a view to deciding upon the location of the proposed stations.

2. That the plans for the location, erection, installation of apparatus, and protection of such stations be submitted to the Navy Department for approval before authority be granted to proceed with their construction.

3. That such stations as may be mutually agreed upon after final approval by the Navy Department, be permitted to be built by the Panaman Government.

4. That the stations be operated by United States naval radio electricians, and that their operation be controlled by the Radio Officer of the Canal Zone.

5. That the stations be erected and maintained at the expense of the Panaman Government.

W. H. G. Bullard.

ASSAULTS ON AMERICAN CITIZENS IN PANAMA.—I. RIOT AT COCOA GROVE, JULY 4, 1912.[9] PROTEST OF THE UNITED STATES AGAINST DISMISSAL OF THE CASES AGAINST PANAMAN POLICE OFFICERS. INDEMNITY DEMAND OF THE UNITED STATES SUBMITTED TO ARBITRATION; PROTOCOL OF SUBMISSION TO DETERMINATION BY THE MINISTER OF THE NETHERLANDS OF THE AMOUNT OF THE DAMAGES.

File No. 419.11D29/72.

Minister Price to the Secretary of State.

[Extract.]

No. 286.] AMERICAN LEGATION,
Panama, September 26, 1914.

SIR: I have the honor to enclose the summary of a part of a conversation held with President Porras on Thursday at which the Secretary of the Legation and I were present.

The summary is sufficiently full for me not to repeat or amplify it in this despatch, but I desire to call the attention of the Department to the fact that it makes it quite evident that President Porras himself expects an affirmance by the Supreme Court of the Criminal Judge's remarkable opinion, and that there may be expected little chance of any prosecution even being ordered begun in these cases.

I am following the instructions lately given by the Department in this matter.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Extract.]

Summary of a conversation with President Porras.

The President of his own accord made reference to these cases in the conversation, stating that he had been much interested in settling same to the satisfaction of our Government and that he had just in the last few days written the Secretary of Government and Justice in this matter. At this juncture he had the file in this affair brought in and showed us a copy of his letter, bearing date of Sept. 22, to the said Secretary. In this letter the President had instructed the Secretary of Government and Justice to write the Panaman Minister, Morales, at Washington to confer with the Department of State and to attempt to obtain the smallest amounts that the Department would be satisfied with for payment to the families of the men killed and injured in settling and closing this incident. He stated in the letter that the Secretary should do this in view of the possible upholding by the Supreme Court of the decision of the lower court, after the Supreme Court had completed its inquiry which they had recently decided to hold themselves.

I took occasion at this point to state to him that I was amazed at the decision of the Criminal Judge, and was in addition much disappointed over the decision recently handed down by the Supreme Court in this matter. I stated to him that I very much feared that the recent decision of the Supreme Court indicated simply another long delay contributing to a wearing-out process, and asked his opinion as to when a conclusion of their inquiry might be expected. He replied that it ought to be within a month and that he thought it would be. I expressed my appreciation for all that he had done and assured him of the gratification of our Government for all that he might do to press this matter and conclude it in a way satisfactory to our Government, including the prosecution of those involved.

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[9] Continued from For. Rel. 1914, pp. 985–993; the correspondence under sub-head IV is based on the matter contained under I–III.

File No. 419.11D29/72.

The Acting Secretary of State to Minister Price.

No. 70.] DEPARTMENT OF STATE,
Washington, October 13, 1914.

SIR: The Department has received your No. 286, of the 26th ultimo, reporting your conversation with the President of Panama concerning the decision made by the Supreme Court of Panama in the Cocoa Grove affair.

The Department approves the attitude you took in that conversation.

I am [etc.]

ROBERT LANSING.

File No. 419.11D29/77.

Minister Price to the Secretary of State.

No. 389.] AMERICAN LEGATION,
Panama, January 25, 1915.

SIR: Supplementing my despatch No. 304 of October 13, 1914, regarding the Cocoa Grove affair of July 4, 1912, I have the honor to enclose a copy of my Foreign Office note of this date transmitted to the Secretary of Foreign Affairs of Panama.

Feeling little hope of securing successful prosecutions in these cases, if any at all, I would respectfully suggest the advisability of considering the terms of an ultimatum herein and its presentation at an early date, unless more satisfactory progress and response shall be obtained from the officials of the Panama Government in the very near future.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 119.] AMERICAN LEGATION,
Panama, January 25, 1915.

EXCELLENCY: I have the honor to call your excellency's attention to the lack of further communication to this Legation since the date of your excellency's note No. 4479 of September 8, 1914,[10] regarding the Cocoa Grove affair of July 4, 1912.

After the receipt of said note and before my leaving in October last on vacation I held a conference both with His Excellency, President Belisario Porras, and with the Honorable Judge Saturnino L. Perigault, regarding said important pending cases. I received the impression from Judge Perigault in this conversation on October 13 last that about three weeks thereafter the inquiry then being conducted by him should end, and the decision of the Superior or Criminal Judge should then be handed down, subject to being again passed on by the Supreme Court, in event of being adverse.

In view of the exceeding interest taken by my Government in these distressing happenings and the unceasing attempts on my part to impress your excellency's Government with the determination of my Government to be satisfied with nothing less than full and proper redress herein, I must confess a large disappointment in this another provoking delay.

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[10] Not printed.

I have again waited, since my return, hoping for voluntary and satisfying communication from your excellency's Government before reiterating the solicitude of my Government in these cases. Such communication has not been forthcoming.

I am therefore impelled to be insistent and emphatic beyond the degree that it is ever pleasant to reach, and, referring to the repeated demands firmly but courteously presented to your excellency's Government in this matter, respectfully to advise your excellency that further continued delays and replies of a like unsatisfactory character to those in the past can be susceptible of only the most regretful construction.

I await the response of your excellency with eagerness and avail [etc.]

WM. JENNINGS PRICE.

File No. 419.11D29/77.

The Secretary of State to Minister Price.

No. 104.] DEPARTMENT OF STATE,
Washington, February 18, 1915.

SIR: The Department has received your No. 389 of the 25th ultimo, in regard to the failure of the Panama Government to take any final action in the matter of the Cocoa Grove affair of July 4, 1912. You suggest the advisability of this Government issuing an ultimatum in the matter to Panama.

In reply the Department desires to refer to the memorandum of an interview you had with the President of Panama, as reported in your No. 286 of September 26, 1914, and especially to the statement made by the President that the inquiry of the Supreme Court ought to be and probably would be terminated within a month. You will, in the event that the result of that inquiry has not been announced to you prior to the receipt of this instruction, inform the Foreign Office that this Government has patiently waited much more than a reasonable time for the termination of this inquiry and is reluctantly forced to the conclusion that the inquiry is being deliberately delayed.

You will add, therefore, that, unless the result of such inquiry shall be announced within two weeks, this Government will be confirmed in that conclusion and assured that the Republic of Panama does not desire to do justice in the matter by inflicting punishment upon those guilty of the crimes committed upon American citizens so long ago as July 4, 1912.

There will remain then the question of having a suitable indemnity paid for the injuries inflicted upon American citizens on that date, and in estimating the amount of the indemnity it will be necessary for the Department to take into consideration the policy of delay pursued by the Panama Government in this matter and its failure to punish the perpetrators of the crimes.

In connection with your representations you will refer to the action of the main body of the police force in the affray of February 14, 1915, as emphasizing the importance of taking measures which would tend to discourage such action, and you will point out that appropriate punishment inflicted upon those policemen guilty of participation in the outrages upon American citizens on the first-mentioned occasion would doubtless have had a deterrent effect upon future activities of this character. In other words, needed measures in dealing with offenses of this kind are those of prevention as well

as redress, and the Panaman Government, by its failure to adopt such measures of prevention, is charged with a large degree of responsibility for whatever excesses the policemen may have indulged in upon the recent deplorable outbreak.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 419.11D29/78.

Minister Price to the Secretary of State.

[Extract.]

No. 415.] AMERICAN LEGATION,
Panama, February 19, 1915.

SIR: Referring to my despatch No. 389 of January 25 last, I have the honor now to enclose a copy and translation of the response of the Panama Secretary of Foreign Affairs to my note. This was received on February 5. I have been waiting with patience but without avail for the transmission by Sr. Lefevre of the supplementary note promised in this one.

In the meantime the outbreak on last Saturday night in the same district has transpired.

In my note to Sr. Lefevre to which the enclosure herewith is a response it will be seen that I took occasion among other things to make the following statement:

> I am therefore impelled to be insistent and emphatic beyond the degree that it is ever pleasant to reach, and, referring to the repeated demands firmly but courteously presented to your excellency's Government in this matter, respectfully to advise your excellency that further continued delays and replies of a like unsatisfactory character to those in the past can be susceptible of only the most regretful construction.

This last note is a fair epitome and illustration of the character of record made up by Panama against itself in these cases. The trouble between our soldiers and the Panama police last Saturday night emphasizes the dereliction of Panama in the 4th of July matter of 1912, and will do so even more clearly if the action that may be appropriate on the part of our officials in the investigation of the latter trouble is prompt and unbiased, as it bids fair to be.

I believe now even more strongly than before that after the natural arousal of feeling by this recent clash, a conviction by a jury of Panamans of any participant in the former affair could hardly be hoped for, however guilty he might be shown to be. Granting this, any prosecution now secured by us to be carried on by Panama would, it is believed, result in nothing more than to furnish them with an argument that an acquittal by court procedure justified them in insisting that their Government should not be held liable by our own to answer in damages herein. It is believed, too, that emphatic insistence even in general terms for action by Panama just at present in these cases might result in their instigation of prosecutions to obtain the benefit of the argument referred to above.

Without further demand for the time being for response by Panama herein, I believe their answer, when later made in their own

good time, will be in keeping with the one hereby transmitted and, perhaps, equally self-incriminating.

Later on, however, I think the matter of recent clash and the prospective visit of our fleet for the opening of the Panama Canal in July next presented in connection with the exasperating dereliction of Panama in these cases, all can be urged most effectively supplementary to an ultimatum that will command compliance.

Awaiting the Department's further instructions, I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–5606.] DEPARTMENT OF FOREIGN AFFAIRS,
Panama, February 4, 1915.

MR. MINISTER: I have the honor to refer to the esteemed note of your excellency, No. 119 of January 24, relating to the subject of the happenings in Cocoa Grove on July 4, 1912.

Some days ago I requested the Secretary of the Supreme Court of Justice to inform me as to the amplification (or possible further progress) of the investigation, which Judge Saturnino L. Perigault has in charge, and today the Secretary told me he had not been able to act in accordance with my request as he had been ill, but that as soon as possible he will give me the information.

As soon as I receive it, I shall be glad to transmit it to your excellency.

I avail [etc.]

E. T. LEFEVRE.

File No. 419.11D29/78.

The Secretary of State to Minister Price.

No. 108.] DEPARTMENT OF STATE,
Washington, March 4, 1915.

SIR: The Department has received your No. 415, of the 19th ultimo, forwarding a copy of a note and translation from the Panaman Foreign Office on the subject of the demands made by the United States based upon the Cocoa Grove riot of July 4, 1912.

In reply the Department refers you to its instructions No. 104, of February 18 last, advising you of its views on the subject.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 419.11D29/79.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, March 5, 1915.

Your instruction 104, February 18. I learn from Judge Perigault of the Supreme Court of Panama that his decision was rendered a few days ago and that same has been certified to the Criminal Judge. He claims he is forbidden by law to divulge nature of decision; that if Criminal Judge decides a prosecution should be initiated, same will take usual course; if he decides otherwise, another appeal can then be taken to the Supreme Court. He states

that Criminal Judge has been directed to act promptly and that his decision should be rendered within ten days at most. In view of foregoing and referring to my despatch 415 of February 19, I am withholding compliance with instruction 104 for time being. Nothing further has been received from Panaman Minister for Foreign Affairs. Please advise will of Department

PRICE.

File No. 419.11D29/80.

Minister Price to the Secretary of State.

No. 434.] AMERICAN LEGATION,
Panama, March 6, 1915.

SIR: Referring to the Department's instruction No. 104 of February 18, 1915, regarding the Cocoa Grove riot of July 4, 1912, I have the honor to report that, being still without further response from the Panaman Secretary of Foreign Affairs than that transmitted with my despatch No. 415 of February 19, 1915, I found occasion late yesterday afternoon to elicit from Judge Saturnino L. Perigault, the Judge of the Supreme Court in charge of this matter on appeal, information as to the status of the legal proceedings herein. He stated that his decision had been rendered four or five days ago (declaring that he could not recall the day more definitely) and that it had gone to the Superior (or Criminal) Judge for his action thereon; that he (Perigault) was not permitted to divulge the purport of his decision; that if the Superior (or Criminal) Judge should now decide that a prosecution should begin, same would be instituted and follow the usual course of prosecutions under their criminal procedure; that if he should decide again there was not sufficient ground for a prosecution the case could then again come before the Supreme Court, as outlined in my despatch No. 304 of October 13, 1914; that the decision of this Superior (or Criminal) Judge should be rendered within the next ten days at the most.

The Superior Judge, to whom the case would naturally return, pursuant to this action of the Supreme Court is J. D. Arosemena, who gave the decision sent May 16, 1914. He has within the last week gone on a vacation and leave of several months. His duties are being fulfilled by Sr. Cervera, a young lawyer, and it is to him these proceedings are now referred. Judge Perigault claims that Judge Arosemena's absence should not cause a delay in action herein by his temporary successor, Judge Cervera.

I have [etc.]

WM. JENNINGS PRICE.

File No. 419.11D29/79.

The Secretary of State to Minister Price.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 10, 1915.

Your March 5. Unless you perceive serious objection, comply instruction 104 so amended as to apply final action all courts concerned in inquiry.

BRYAN.

File No. 419.11D29/82.

Minister Price to the Secretary of State.

No. 440.] AMERICAN LEGATION,
Panama, March 12, 1915.

SIR: I have the honor to enclose a copy of a note which I have transmitted this morning to the Secretary of Foreign Affairs of Panama in the matter of the Cocoa Grove affair of July 4, 1912, in compliance with the directions of the Department contained in its instruction No. 104 of February 18 last, and its telegram of March 10, 1915.

I shall report duly further developments.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 146.] AMERICAN LEGATION,
Panama March 12, 1915.

EXCELLENCY: I have the honor to inform your excellency that the Department of State of my Government having throughout the past closely followed the case of the Cocoa Grove affair of July 4, 1912, and continuing to take the earnest interest in same which the grievous events of that occasion would naturally inspire, and having duly considered the more recent notes exchanged between your excellency's office and mine of the respective numbers and dates of No. 119 of January 25, 1915, and No. S–5606 of February 4, 1915, now instructs me specifically to communicate to the Government of your excellency's Republic through your excellency that my Government has patiently waited much more than a reasonable time for the termination of the court inquiries in this matter and is reluctantly forced to the conclusion that same are being deliberately delayed.

I have the honor to advise your excellency that I have been reliably informed that an opinion herein by Judge Saturnino L. Perigault was delivered only about ten days ago for action thereon by the Superior Court Judge, whose decision pursuant thereto should in due course have been handed down within four days thereafter; that there exists after the delivery of the decision last named the possibility of another passing back and forth of decisions between these courts, with the final accomplishment of a successful prosecution of any one guilty of the crimes committed more than two and a half years ago even then still in doubt.

The Department of State of my Government is in possession, also, of this information, and further instructs me specifically to say that unless the final action of all courts concerned in said inquiry shall be announced within the next two weeks my Government will be confirmed in the conclusion reluctantly formed, as above stated, and will therefore be forced to the conviction that the Republic of Panama does not desire to do justice in the matter of inflicting punishment upon those guilty of the crimes committed upon American citizens so long ago as July 4, 1912.

While month after month was passing with this case suffering apparent neglect and seeming intentional putting aside by authorities of your excellency's Government, there have continued the insistent efforts of my Government, which the record herein so fully discloses, and there have been repeated more than once the warnings which the recent outbreak on February 14 shows were so pertinent. The investigation into this last deplorable affair has proceeded sufficiently to justify the Department of State of my Government to feel convinced that the main body of the Panaman police force involved on this last occasion indulged in excesses, and further to indulge the presumption that same might not have occurred if your excellency's Government had visited appropriate punishment upon the policemen involved in these 4th of July, 1912, outrages.

In this connection I desire to incorporate herein the following paragraph from my Foreign Office note No. 68 of June 9, 1914:

It is believed that it will be considered beyond debate, also, that the ability to maintain order consists not alone in the restoral of quiet after a debacle of passion, but also in the visitation of punishment upon those involved so swiftly and so severely that they themselves and others will be given such warning and restraint thereby that like violations of the laws of God and man will not be repeated, and intimate and affectionate feelings between two Governments wounded and subjected to strain.

In other words, needed measures in dealing with offenses of this kind are those of prevention as well as redress, and the Panaman Government, by its failure to adopt such measures of prevention, is charged now all the more heavily with a large degree of responsibility for whatever excesses the policemen may have indulged in upon the recent deplorable outbreak.

Respectfully soliciting the attention to the importance to which this communication attains, and to the firmness of resolve of my Government, which has given expression to the specific instructions herein which I have been charged so emphatically to communicate to your excellency's Government,

I avail [etc.]

WM. JENNINGS PRICE.

File No. 491.11D29/80.

The Secretary of State to Minister Price.

No. 116.] DEPARTMENT OF STATE,
Washington, March 23, 1915.

SIR: The Department has received your No. 434, of the 6th instant, in which you report on the status of the legal proceedings in the cases arising out of the Cocoa Grove riot of July 4, 1912.

In reply the Department desires to refer you to its telegraphic instruction of March 10 last replying to your telegram of March 5, directing you to comply with its instruction No. 104, so amended as to apply to the final action of all the courts concerned in the inquiry.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 419.11D29/82.

DEPARTMENT OF STATE,
Washington, March 25, 1915.

SIR: The Department has received your No. 440, of the 12th instant, enclosing a copy of your note to the Foreign Office complaining of the delay in settling the cases growing out of the Cocoa Grove riot of July 4, 1912.

You will, of course, not fail to acquaint the Department with the answer received to your note.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 419.11D29/84.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, April 3, 1915.

Referring to my despatch 440 of March 12, no reply has been received yet Panaman Government in the matter beyond an informal

reference by the Minister for Foreign Affairs in a conversation about ten days ago to the effect that the legal adviser of his Department, Señor Valdés, was conferring with their courts for the purpose of hastening their decision in this matter.

PRICE.

File No. 419.11D29/87.

Minister Price to the Secretary of State.

No. 476.] AMERICAN LEGATION,
Panama, April 17, 1915.

SIR: I have the honor to report that on Wednesday last, Sr. Lefevre, Panaman Secretary for Foreign Affairs, asked me to come to this office for a conference. He began by stating when I arrived, that they were going to settle the Cocoa Grove riot of July 4, 1912, with our Government and pay damages and even before their Supreme Court acted in the matter; that before the week was over he would transmit to me a note to this effect. I responded to him that it would be advisable to make his note as full and satisfactory as possible; that our Government felt that if there had been an earnest prosecution in this affair, the last two deplorable happenings might not have taken place; and that my last note to him in the matter was at the express direction both by mail and cable from the Department of State. He made reference, as usual to their difficulty in controlling the action of their courts and again repeated that before the week was over he was going to send a note that he believed would conclude the whole affair. I have not yet received the note.

He then proceeded to say that they had concluded, for the purpose of avoiding further clashes between the soldiers and their police, to propose that the red-light districts of Colon and Panama, respectively, be put in charge of American policemen. He took particular occasion to say that they should be under the command of the Panama Commandante of Police and observe Panaman jurisdiction but would be placed directly under an American police officer who would be subject to their chief; that Panama would pay them the same salaries now being paid the Canal Zone policemen, and remarking that [as] all troubles arose in these districts they felt this would remedy the situation. He asked directly whether I did not think this would be the solution of the problem. I replied that I did not feel prepared to express an opinion until the Department of State might be consulted, and that the War Department, more directly concerned, would want to be heard in the matter. I expressed gratification that he and his fellow officials were giving serious thought to the situation and remarked to him that conditions at their police headquarters and in connection with their arrest and treatment of civilians (claims regarding which I reminded him I had before him now) should also be considered by them.

I asked him why the abolishment of these districts was not also considered and he replied that he did not believe it possible now. He remarked further that our police officer in charge of our men could

also aid their police as an instructor and the example of our policemen's conduct would be helpful to theirs.

I have [etc.]

WM. JENNINGS PRICE.

File No. 419.11D29/88.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, April 26, 1915.

Minister for Foreign Affairs late Saturday transmitted six-page note in the matter of Cocoa Grove affair of Fourth of July 1912. He refers to the consideration expected by Panama from America; charges that our soldiers and marines began the trouble; that good faith in their court proceedings had been shown already when the criminal court last April held that a Panaman was subject to prosecution in the matter except for the fact of dying within a month after the trouble happened and that Panaman police acted throughout within their duty. He then offers that the [omission in transmission] Panama will continue to urge their courts to as prompt action as possible in the matter and that without waiting longer and in view of our insistence Panama will pay money indemnities. In view of the foregoing, however, he proposes that a disinterested party be selected to value the damages and requests this proposal submitted to the Secretary of State of the United States:

That one of the diplomatic agents of one of the friendly nations accredited in Panama, chosen freely by the Government of your excellency, shall be constituted and shall decide the amount of the indemnity which Panama should pay for each one of the murdered citizens and for each one of those who suffered wounds in the riot of July 4, 1912. If the Government of your excellency accepts the formula of settlement, which is equitable, it could be put in writing and the respective arbitral agreement signed binding the parties to respect and fulfill the decision which may be rendered.

Note and its translation will be forwarded by mail Wednesday.

PRICE.

File No. 419.11D29/90.

Minister Price to the Secretary of State.

No. 484.] AMERICAN LEGATION,
Panama, April 26, 1915.

SIR: Referring to my telegram of April 26, reporting the substance of a note received from the Secretary for Foreign Affairs, I have the honor to enclose a copy and translation of said note, transmitted on Saturday.

This note is the first and only formal response to my note No. 146, of March 12 last, copy of which was sent to the Department with despatch No. 440 of the same date. While it contains the first offer to be made in a formal manner to pay damages herein, it will be noted that its proposals in our favor do not go beyond those stated by the President of Panama informally to me, as having been decided upon by them as far back as September last. The summary of my confer-

ence with President Porras in this matter was transmitted with despatch No. 286 of September 26, 1914.

Contrary to a statement contained in the note of May 30 last, that the present administration in furtherance of a desire to retain the friendship and esteem of the United States had discharged all the policemen who were on duty on July 4, 1912, Señor Lefevre in the present note admits that some of them are still in the service. I very much suspect that this admission is made in the hope of thereby offsetting to an extent a charge anticipated from us in the same matter. I obtained, promptly after the mêlée on February 14 last, in the Cocoa Grove district, the names of all policemen on the rolls in this city at that time, and, as heretofore reported, have been promised from a reliable Panaman source for some weeks a list of those now on the force, who were connected with it at the time of the 4th of July, 1912, affair, and I doubt not that Señor Lefevre has heard of the efforts of the Legation along this line.

In looking over the file in this case there are found referred to here and there in the evidence the names of the following policemen bearing names of the same as among the present force, who were connected with the organization at the time of the said riot July 4th, the first named having been wounded on that occasion: Juan Muñoz, Manuel de J. Castro, Rafael Puga, Celestino Cubilla, Isaias Pérez. I doubt not that there are quite a number of others. In view of the foregoing and the vulnerable record already made up by Panama in its handling of this affair, it would seem that there would exist very meager reason for the Panaman authorities now to appeal for favor in the matter of arriving at the amount of indemnities to be paid. I would call attention to the likelihood of the selection of an arbiter to name the amount occasioning practically a rehearsal of the whole extensive case before him entailing undoubted delay, and that the proposal seems to be purposely prefaced with a recital of considerations claimed due to Panama, which in all likelihood would be insisted upon by Panama being considered by the arbiter.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary for Foreign Affairs to Minister Price.

S-6439.]

FOREIGN OFFICE,
Panama, April 24, 1915.

MR. MINISTER: Entertaining a sincere and earnest desire that there may be no alteration of the cordial relations between the Government of Panama and the Government of the United States of America, existing since our nation started on its independent life and bound itself to your excellency's Government with ties of close friendship and interests of a permanent nature, the regret has been deep and the uneasiness genuine for the events of July 4, 1912, in the Cocoa Grove district of this city, where two American citizens, one a soldier from the Canal Zone, died, and others of the same nationality, as well as certain Panamans who formed part of our national police force, were wounded. I am able to make this statement with certainty in so far as it refers to the present administration, presided over by Doctor Belisario Porras, who most sincerely wishes to show on every occasion to the Government of your excellency the highest consideration and the very friendly feeling our country has for the great American nation.

Notwithstanding these sentiments, which I am glad to reiterate, the Government of the United States through your excellency has made very strong

reproaches of my Government, accusing it of neglect of its international duties toward itself and of not giving due consideration to the claims arising out of the disturbances of July 4, 1912, affirming that the Panaman authorities have displayed neither activity nor zeal for ascertaining the principals and accessories responsible for the deaths and wounds caused in that affair and punishing them. These charges were made by your excellency in his note No. 146 of March 12 last, which I have not answered before because I wished to be able to communicate to your excellency some definite statement by my Government showing the purpose it always has had of ending this vexatious question in a way satisfactory not only to the Government of your excellency but also to the demands of justice.

I also desired to await the decision of the Judicial Power of the Republic, which has, according to the Penal Law, the right to follow up and punish the guilty ones.

But, as your excellency will not deny, judicial proceedings in every country are slow, especially when the case, like the one to which I refer, is full of complications involving many persons. The Government of your excellency has not interpreted this aspect with justice since it considers the delay intentional. On the contrary they have also made my own Government impatient and anxious to end this serious matter.

That is why, today, without waiting for the decision of the court in regard to the affair of the 4th of July, 1912, and in accordance with instructions from the President of the Republic, I communicate to your excellency the answer of my Government to the demands presented by the Government of your excellency in notes Nos. 249, 251 and 255 of August 23 and 31, and September 25, 1912, for damages received by American citizens in the regrettable affair. These demands are:

1. Dismissal of Messrs. Julio Quijano and of Franklin de la Ossa from their positions as Commandant and Captain of the National Police.

2. That the Government of Panama punish as they deserve the individuals proved criminally responsible in the matter.

3. That the Government of Panama pay an indemnity for the death of two American citizens and for the wounds inflicted on others of the same nationality.

4. That the Government of Panama formally express to the Government of the United States of America its regret for this deplorable matter, unless it is ultimately shown that the character of the incident is different from that which was attributed to it at the time.

I should say to your excellency that notwithstanding the conviction that the Government of the United States should now have that the fight of July 4, 1912, was not premeditated by the Panaman police, nor started by them, but by American soldiers and marines, as shown by the evidence presented in the prolonged investigation made by American and Panaman officials, my Government sincerely and deeply regrets these unfortunate occurrences, which cause damage to both countries and have an unpleasant effect on the excellent relations which unite them.

The payment of indemnity is an exaction which my Government thinks excessive and little conforming with the consideration which we might justly merit from a friendly and immensely powerful nation that prides itself on being our protector and counsellor; a nation that knows the limited resources at the disposal of this little nation, and which is morally affected, for that reason, by the obstacles and misfortunes which our Republic finds in the path of progress. Nevertheless, and in spite of the fact that the only substantial accusation which could be made against the police of Panama is that they perhaps were excessively rigorous in the repression which they had to use upon the American starters of the affray, my Government will agree to pay the indemnity if the Government of your excellency will not desist from that severe demand.

In the matter of the punishment of the persons who may be found guilty of causing the death and the wounding of American citizens, my Government will continue rigorously to apply the penal laws and will seek to hasten judicial action.

There is an important fact to which I desire to call the attention of your excellency as an example of our willingness to act justly in this matter. In the sentence of the court of first instance given on April 27, 1914, by the Superior Judge of the Republic, it was established that policeman Florencio Casiano had wounded a soldier, and that this policeman paid the penalty by being imprisoned and dying shortly before the sentence was pronounced.

Much time has passed since the events of July 4, 1912, and Messrs. Julio Quijano and Franklin de la Ossa are not members of the Panaman Police; the greater part, indeed, of those who were officers and plain policemen of that body at that time are no longer members. My Government considers that the Government of your excellency has been amply satisfied in the first of its demands, because anticipating his dismissal, Commandant Quijano voluntarily resigned from his post and Captain de la Ossa and the other officers who directly or indirectly were concerned were dismissed by the Executive Power on different dates during the previous administration or this one.

To determine the indemnities which are to be paid, supposing that the Government of your excellency will not change its attitude in this matter, and taking into account the evidence of the turbulent conduct of the American soldiers and marines on July 4, 1912, the duty which the Panaman police had of suppressing riots started by those Americans and protecting the residents of Cocoa Grove against them, the initiative taken by the American soldiers and marines against the Panaman police on duty in that district, the wounding not only of American citizens but also of Panamans of the National Police Force, and, finally, that for this reason the rights of both Governments are on the same footing, I request your excellency to transmit to the Secretary of State of the United States of America the following proposal:

That a diplomatic representative of some friendly nation accredited in Panama, chosen freely by the Government of your excellency, determine the amount of the indemnity which Panama should pay for each one of the citizens killed and for each one of the citizens wounded in the riot of July 4, 1912.

If the Government of your excellency accepts this formula of settlement, which I consider equitable, the arbitral agreement could be drafted and signed, binding the parties to respect and fulfill the decision to be rendered.

I avail [etc.]

E. T. LEFEVRE.

File No. 419.11D29/90.

The Secretary of State to Minister Price.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 14, 1915.

Your April 26, and despatch 484. In Department's opinion next to last paragraph Foreign Office note April 24 indicates Panama will expect arbitrator to entertain evidence and pass upon questions thus raised in considering indemnities to be paid by Panama. The question to be submitted to arbitrator if appointed should merely be amount of damages sustained by injured parties and it should clearly appear in agreement that Panama undertakes to pay indemnities without regard to circumstances affecting riot. If Panama now ready to pay indemnities, however, it appears appropriate to Department that the two Governments should first discuss amount of award, having in view an agreement, before the necessity of appointing arbitrator is considered. Report earliest possible moment.

BRYAN.

File No. 419.11D29/93.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, May 18, 1915.

Minister for Foreign Affairs agrees to proposition as presented in your telegram May 14. I suggest for consideration the question of

attempting to settle all pending cases together except those arising from the last two riots.

PRICE.

File No. 419.11D29/94.

Minister Price to the Secretary of State.

[Extract.]

No. 516.] AMERICAN LEGATION,
Panama, May 19, 1915.

SIR: Referring to my telegram of May 18, I have the honor to enclose a copy of a Foreign Office note transmitted by me pursuant to the Department's telegram of May 14.

There is herewith enclosed a copy of the response of the Secretary of Foreign Affairs to said note.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1.]

Minister Price to the Secretary for Foreign Affairs.

No. 180.] AMERICAN LEGATION,
Panama, May 17, 1915.

EXCELLENCY: I have the honor to advise your excellency, in conformity with our conference on Saturday afternoon, that my Government is considering duly the proposals submitted in your excellency's note No. S–6439 of April 24, last, in the matter of the 4th of July riot, and that, in view of the length of said note and to the end that there may be no occasion for either of our Governments to be laboring under any misapprehension as to the portion of same relating to the payment of indemnities nor a possibility for either of us to have misunderstood the other in said conference, it would seem prudent, if agreeable to your excellency, to resolve same into formal shape.

I am moved, therefore, to inquire of your excellency if you will be good enough to confirm the following as the correct statement of the understanding by my Government of the proposals of your excellency's Government in said matter, if same appears to your excellency as a correct statement thereof, namely:

1. Panama offers to pay indemnities for the injuries suffered by Americans on the occasion of the riot of the 4th of July, 1912, in the city of Panama, and agrees that the only question that will be submitted to an arbitrator, if the United States Government should agree to make the selection of one, would be the amount of damages sustained by the Americans who were killed and injured in said riot.

2. The writing to be signed, if the method of arbitration aforesaid is accepted by the United States, shall clearly state that Panama agrees to pay indemnities in said riot, and that the only questions to be passed upon by such arbitrator, if selected, shall be the amount of the damages suffered aforesaid measured in money indemnities.

3. The two Governments shall, if desired by the United States, first discuss between themselves the amount of the indemnities to ascertain whether an agreement can be reached before the proposition of selecting an arbitrator is considered.

I avail [etc.]

WM. JENNINGS PRICE.

[Inclosure 2—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–6701.] FOREIGN OFFICE,
Panama, May 18, 1915.

MR. MINISTER: I have the honor to acknowledge the receipt of the polite note from your excellency, No. 180 of the 17th of this month, and I am glad to inform

you that the interpretation which your excellency has given to my note No. S-6439, of April 24 last, relating to the matter of July 4, 1912, is entirely correct; that is to say, that Panama agrees to pay indemnities in the matter for the damages suffered by American citizens as a result of the riot, and that the only thing which should be submitted to arbitration is the amount of the damages suffered by them.

In regard to the last paragraph of the note which I have the honor to answer, my Government consents, if it is the desire of your excellency, to discuss between ourselves the amount of the indemnities in order to see if we can reach an agreement before submitting the matter to arbitration.

I have [etc.]

E. T. LEFEVRE.

File No. 419.11D29/93.

The Secretary of State to Minister Price.

[Telegram.]

DEPARTMENT OF STATE,
Washington, May 20, 1915.

Your May 18. Report what pending cases you consider possible of settlement by agreement.

BRYAN.

File No. 419.11D29/95.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, May 29, 1915.

Answering telegram of May 20. I suggest cases of Harrington, Ross, Morris and Lathrope and possibly Rahlin.[11] These are all the cases pending prior to last two riots except the cases of soldiers and civilians connected with Fourth of July 1912 Cocoa Grove riot.

My suggestion however related rather to attempting to settle all cases by direct demand and negotiation including the possibility of obtaining a lump sum covering all, than to submitting all of them together to arbitration unless we could obtain from Panama admission of liability as to all of them in same terms as in the Fourth of July cases.

PRICE.

File No. 419.11D29/96.

The Legation of Panama to the Department of State.

[Translation.]

Proposition submitted by the Secretary of Foreign Relations of the Republic of Panama to his excellency William J. Price, American Minister at Panama, for the settlement of the claims growing out of the events which took place at Cocoa Grove on the 4th of July, 1912.

"That one of the diplomatic officers of any of the friendly nations accredited in Panama, freely selected by your excellency's Govern-

[11] Miscellaneous cases occurring after 1912.

ment, assess and determine the amount of indemnity to be paid by Panama for every citizen killed and for every citizen injured during the riot of July 4, 1912."

LEGATION OF PANAMA,
Washington, June 17, 1915.

File No. 419.11D29/95.

The Acting Secretary of State to Minister Price.

[Telegram.]

DEPARTMENT OF STATE,
Washington, June 28, 1915.

Your May 29. Department would be disposed to accept offer $100,000 in settlement cases of Harrington, Ross, Rahlin, Morris and Lathrope and of soldiers and civilians killed and injured in disturbances of July 4, 1912. Department's information indicates that in such disturbances one civilian and one soldier were killed and twelve soldiers and marines and four civilians considerably injured.

Bring matter immediately to attention Foreign Office.

OSBORNE.

File No. 419.11D29/96.

The Department of State to the Legation of Panama.

The Department has received the memorandum of the Panaman Legation dated June 17, 1915, quoting the proposition submitted to the American Minister at Panama by the Secretary of Foreign Relations of that Republic for the settlement of the claim growing out of the events which took place at Cocoa Grove on July 4, 1912.

DEPARTMENT OF STATE,
Washington, June 30, 1915.

File No. 419.19D29/101.

Minister Price to the Secretary of State.

[Extract.]

No. 561.] AMERICAN LEGATION,
Panama, July 16, 1915.

SIR: Referring to the Department's cablegram of June 28, indicating the willingness of the Department to accept an offer of $100,000 by Panama in the settlement of the cases of Harrington, Ross, Rahlin, Morris and Lathrope, and of those of the soldiers and civilians killed and injured in the riot of July 4, 1912, and directing me to bring the matter at once to the attention of the Foreign Office, I have the honor to report that I have made repeated attempts since the receipt of said cablegram to enter into negotiations with Panama in this matter but I have been able to make such little headway that I have deemed an earlier reply useless. * * *

I respectfully suggest for the consideration of the Department the matter of the arrangement of the details of the arbitration in the 4th of July matter, if we should agree to it. * * *

I have [etc.]

WM. JENNINGS PRICE.

File No. 419.11D29/100.

The Secretary of State to Minister Price.

[Telegram.]

DEPARTMENT OF STATE,
Washington, August 7, 1915.

Your July 27. Discreetly propose to Foreign Office as arbiter Cocoa Grove claims Netherlands Minister to United States, who it is understood, is also accredited to Panama. Request prompt reply.

LANSING.

File No. 419.11D29/102.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, August 13, 1915.

Your telegram of August 7. In addition to proposal contained in my telegram of April 26, Minister for Foreign Affairs by formal note agrees to let us select as arbitrator the Minister of Netherlands to the United States, who is also accredited to this Government, or any one of the Ambassadors from Argentina, Brazil, and Chile to the United States.

PRICE.

File No. 419.11D29/103.

Minister Price to the Secretary of State.

[Extract.]

No. 582.] AMERICAN LEGATION,
Panama, August 13, 1915.

SIR: Referring to my telegram of July 27 and the Department's reply telegram of August 7 and my cable response of this date, I have the honor to transmit a copy of the Foreign Office note and of its translation received late to-day from Secretary Lefevre, and referred to in my said cable last mentioned. * * *

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–7662.] FOREIGN OFFICE,
Panama, August 13, 1915.

MR. MINISTER: Referring to our conversation of this morning with regard to the matter of the events in the city of Panama on the 4th of July 1912, I

have the honor to indicate and offer to your excellency the names and places of residence of the ministers and diplomatic agents accredited to our Government from which list your excellency's Government may select the arbitrator who has to fix the amounts of the indemnities to be paid in said matter.

Envoys Extraordinary and Ministers Plenipotentiary.

Great Britain: His Excellency, Sir Claude C. Mallet, Panama.
Chile: His Excellency, C. Vergara Clark, San José de Costa Rica.
Netherlands: His Excellency, W. L. F. C. de Rappard, Washington.

Ministers Resident.

Belgium: His Excellency, H. Henin, Guatemala.

Chargés d'Affaires.

Cuba: The Honorable R. Gutierrez Alcaide, Panama.
Nicaragua: The Honorable Marcos F. Velazquez, Panama.
France: The Honorable P. Bizel, Panama.
Spain: The Honorable Emilio de Motta, Panama.
Italy: The Honorable Carlos Raguzzi, Panama.
Brazil: The Honorable Luis Guinaraes, La Habana.

As your excellency stated that you desire that this list be amplified, I am glad to state that the Government has no objection to accept your excellency's suggestion to the extent that the three ambassadors of the American nations accredited to the Government of the United States of America may be added to this list.

I avail [etc.]

E. T. Lefevre.

File No. 419.11D29/102.

The Secretary of State to the Minister of the Netherlands.

No. 121.] Department of State,
Washington, August 19, 1915.

Sir: On July 4, 1912, during the progress of disturbances which took place in the so-called Cocoa Grove District in the City of Panama, two American citizens lost their lives and about sixteen other American citizens received injuries of a more or less serious character.

After much diplomatic correspondence between the Governments of the United States and Panama respecting the responsibility for the disturbances mentioned, on April 26, 1915, the following proposal was transmitted from the Panaman Foreign Office to the American Minister to Panama for submission to the Secretary of State:

That one of the diplomatic agents of one of the friendly nations accredited in Panama, chosen freely by the Government of your excellency, shall be constituted and shall decide the amount of the indemnity which Panama should pay for each one of the murdered citizens and for each one of those who suffered wounds in the riot of July 4, 1912. If the Government of your excellency accepts the formula of settlement, which is equitable, it could be put in writing and the respective arbitral agreement signed binding the parties to respect and fulfill the decision which may be rendered.

The Department endeavored to make a direct settlement with the Panaman Government of the matter of the indemnity mentioned in that proposal but such effort failed, and thereupon, on August 7, 1915, the Department telegraphed the Minister to Panama to propose to the Foreign Office that your excellency constitute the arbiter in this case. A reply has been received from Mr. Price under date of

August 13, 1915, in which it is stated that the Panaman Minister for Foreign Affairs, by formal note, has agreed to your selection by this Government.

Accordingly the Department desires to express its earnest hope that you may find it possible to act in this capacity, and would be very much gratified to learn of your willingness so to do.

It may be said in this connection, that the only question which the arbiter will be called upon to determine will be the amount of the indemnity to be paid, and it is expected that arrangements can be entered into by which the evidence which the arbiter will be called upon to consider will consist solely of written documents, so that the demands which will be made upon the time of the arbiter would be reduced to a minimum.

Accept [etc.]

ROBERT LANSING.

File No. 419.11D29/104.

The Minister of the Netherlands to the Secretary of State.

[Translation.]

No. 2236.] NETHERLANDS LEGATION,
New York, August 30, 1915.

MR. SECRETARY OF STATE: I have the honor to acknowledge the receipt of your excellency's note No. 121 of the 19th instant in which you kindly informed me of the controversy between the United States Government and Panama concerning the indemnities to be paid by the latter country for the death of two and the injury of about sixteen citizens of the United States, who were the victims of disturbances which took place in the city of Panama on July 4, 1912.

Your excellency stated that, after a long diplomatic correspondence between the two Governments which could not attain any satisfactory result, the Department of Foreign Affairs at Panama proposed that the diplomatic officer of some friendly nation accredited to Panama, and to be chosen by your excellency, be appointed as arbitrator to fix the amount of indemnity due from the Government for each of the American citizens killed and for each one injured. Further on I see that your excellency honored me by proposing me as arbitrator to the Panama Government, and that the latter saw fit to approve the choice, in consequence whereof you ask whether I am willing to accept the office. Your excellency added that provision might be made so that the evidence which the arbitrator has to consider will consist only of written documents, so that the arbitrator will be able to render his decision within a minimum period of time.

While thanking your excellency sincerely for the confidence which you showed in me by this choice, I have the honor to inform you that, having received the necessary authorization from my own Government, I hereby most gladly place myself at the disposal of the United States and Panama Governments, in consequence whereof I await the instructions which these two Governments may deem suitable to give me in order to enable me to fulfill the duties of arbitrator which they have done me the great honor to intrust to me.

Please accept [etc.]

W. L. F. C. VAN RAPPARD.

File No. 419.11D29/105.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, September 21, 1915.

Panama has agreed to submit to arbitration only the claims growing out of riot July 4, 1912. Claims incidental to subsequent riots have not yet been presented. I should be glad to know as soon as arbitration is decided upon.

PRICE.

File No. 419.11D29/104.

The Secretary of State to the Netherlands Minister.

No. 129.] DEPARTMENT OF STATE,
Washington, October 23, 1915.

SIR: I have the honor to acknowledge the receipt of your note of August 30, 1915, expressing your willingness to act as arbitrator to determine the amount of indemnities to be paid by the Government of Panama on account of the death and injury of American citizens in a riot which occurred in the city of Panama on July 4, 1912, and to assure you of my deep appreciation of your decision in the matter.

The Department is taking steps to conclude arrangements for the arbitration and will communicate with you further when they shall have been completed.

Accept [etc.]

ROBERT LANSING.

File No. 419.11D29/104.

The Secretary of State to Minister Price.

[Extract.]

No. 195.] DEPARTMENT OF STATE,
Washington, October 23, 1915.

SIR: Referring to previous correspondence, the Department encloses herewith a copy of a note from the Minister of the Netherlands, expressing his willingness to act as arbitrator to determine the amount of indemnities to be paid by the Government of Panama on account of the death and injury of American citizens in a riot which occurred in the city of Panama on July 4, 1912.

In informing the Minister for Foreign Affairs of Panama that Chevalier W. L. F. C. van Rappard, Minister of the Netherlands to the United States and to Panama, has consented to act as arbitrator in the Cocoa Grove case, you may state that this Government is now ready to proceed with final arrangements for the arbitration, with the understanding that the Government of Panama undertakes to pay indemnities without regard to the circumstances affecting the riot and that the question to be submitted to the arbitrator is merely the amount of damages to be paid.

In this relation your attention is called to the Department's telegram of May 14, and to the Legation's telegram of May 18.

You are authorized to sign with the duly authorized representative of the Government of Panama a protocol of submission in the following form:

[See despatch No. 690, November 27, post, p. 1183.]

I am [etc.]

ROBERT LANSING.

File No. 419.11D29/110.

Minister Price to the Secretary of State.

No. 665.] AMERICAN LEGATION,
Panama, November 4, 1915.

SIR: I have the honor to enclose the decree[10] of the Supreme Court of Panama, by which it holds that there is no sufficient evidence on which to institute a prosecution growing out of the riot of July 4, 1912. This decision bears date of July 16 last, but has only recently been published in the register of the Supreme Court of date of September 22. I learned of its existence accidentally and not from any official source.

I make reference to my despatch No. 484 of April 26, 1915.

I have [etc.]

WM. JENNINGS PRICE.

File No. 419.11D29/113.

Minister Price to the Secretary of State.

No. 670.] AMERICAN LEGATION,
Panama, November 8, 1915.

SIR: I have the honor to enclose a copy of a note sent by me to the Secretary of Foreign Affairs in compliance with Department's instruction No. 195 of October 23 having reference to the selection of the Netherlands Minister to Washington and Panama as arbitrator in the matter of the claims growing out of the Cocoa Grove riot of July 4, 1912.

A copy of the protocol included in the text of the Department's instruction, was sent with my note.

Señor Lefevre has stated to me that there would be no objection to concluding the protocol, and I have urged him to arrange for the designation of some one by Panama, presumably himself, to sign same with me promptly.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 258.] AMERICAN LEGATION,
Panama, November 6, 1915.

EXCELLENCY: Referring to our previous notes upon the subject of the selection of an arbitrator to determine the amount of the indemnities to be paid by the Government of Panama on account of the death and injury of Americans in the riot which occurred in the city of Panama on July 4, 1912, and referring

[10] Not printed.

more particularly to my note No. 180 of May the 17, 1915, and your excellency's response thereto being No. S–6701 of May 18, 1915, and the additional note of your excellency No. S–7662 of August 13 last, I have the honor, confirming the information already in possession of your excellency of the consent of Chevalier W. L. F. C. van Rappard, Minister of the Netherlands to the United States and Panama, to act as said arbitrator, to advise your excellency that my Government is now ready to proceed with final arrangements for said arbitration, it being understood, as heretofore agreed, that the Government of Panama undertakes to pay indemnities without regard to the circumstances affecting the riot and that the question to be submitted to said arbitrator is merely the amount of damages to be paid.

For the purpose of completing said arrangements in due and proper form, my Government has authorized me, as its representative, to sign the protocol of submission in this matter in the form which accompanies this note.

Expressing the hope that the same may be acceptable to your excellency's Government and that a duly authorized representative of same may be designated to sign same with the representative of my Government, and awaiting your excellency's valued response herein, I avail [etc.]

WM. JENNINGS PRICE.

File No. 419.11D29/118.

Minister Price to the Secretary of State.

[Extract.]

No. 690.] AMERICAN LEGATION,
Panama, November 27, 1915.

SIR: In the matter of the arbitration of the amount of the indemnities to be paid by the Government of Panama on account of the killing of two American citizens and the injury and wounding of others in the riot which occurred in the city of Panama on July 4, 1912, I have the honor to report that I have late this afternoon procured the signing of the protocol of submission in the form set forth in the Department's instruction No. 195 of October 23, 1915.

I herewith transmit one of the two originals of the protocol which was concluded, and a copy of same.

I send also, a copy and translation of a Foreign Office note received on yesterday from Señor Lefevre, bearing date of November 23.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1.]

Treaty Series No. 620.]

Protocol between the United States and Panama concerning the determination of the amount of damages caused by the riot at Panama City, July 4, 1912.

PROTOCOL.

The Government of the United States of America and the Government of the Republic of Panama, through their respective Plenipotentiaries, His Excellency, William Jennings Price, Envoy Extraordinary and Minister Plenipotentiary to Panama, on the part of the United States, and His Excellency, Ernesto T. Lefevre, Secretary of Foreign Affairs, on the part of the Republic of Panama, being duly authorized thereto, have agreed upon and concluded the following protocol:

Whereas, the Government of the United States claims indemnities for the death and injury of American citizens in a riot which occurred in Cocoa Grove, Panama City, July 4, 1912, and

Whereas, the Government of Panama has agreed, in principle, to the payment of such indemnities irrespective of the circumstances affecting the riot; and

Whereas, the two Governments have been unable to agree upon the amounts of such indemnities, and have concluded to submit to arbitration the determination of the amounts to be paid by the Republic of Panama, it is, therefore agreed as follows:

ARTICLE I.

The High contracting parties agree to submit to His Excellency W. L. F. C. van Rappard, Envoy Extraordinary and Minister Plenipotentiary accredited by the Government of the Netherlands to the Governments of the United States and Panama, the determination of the amount of damages to be paid for each one of the American citizens killed and for each one injured as a result of the riot, and agrees that he shall award the amounts so determined against the Government of Panama.

ARTICLE II.

His Excellency W. L. F. C. van Rappard shall determine the amounts of such damages upon such papers as may be presented to him by the Secretary of State of the United States and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama at Washington, respectively, within five months from the date of the signing of this agreement, but it is expressly understood and agreed that such papers shall relate only to the amount of damages to be paid.

The case shall then be closed unless His Excellency shall call for further documents, evidence, correspondence, or arguments from either Government, in which event, such further documents, evidence, correspondence or arguments shall be furnished within sixty days from the date of the call. If such documents, evidence, correspondence or arguments are not furnished within the time specified a decision in the case shall be given as if they did not exist.

The entire case of each Government shall be presented in writing.

ARTICLE III.

A reasonable honorarium to His Excellency W. L. F. C. van Rappard shall be paid by the Government of Panama.

ARTICLE IV.

The decision of His Excellency W. L. F. C. van Rappard shall be accepted as final and shall be binding upon the two Governments.

In witness whereof, the undersigned have hereunto signed their names and affixed their seals.

Done at Panama the 27th day of November 1915.

WM. JENNINGS PRICE. [SEAL.]
E T LEFEVRE [SEAL.]

[Inclosure 2—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S 8458.] FOREIGN OFFICE,
Panama, November 23, 1915.

Mr. MINISTER: I have the honor to acknowledge receipt of the courteous note of your excellency, No. 258, of the 6th instant, in which it is communicated to me that the Honorable W. L. F. C. van Rappard, Minister of The Netherlands to the United States of America and to Panama, consents to act as arbitrator to determine the amount of the indemnities that have to be paid by the Government of Panama by reason of the death and wounding caused to American citizens in the riot which took place in the city of Panama on the 4th of July, 1912, and together with which your excellency has the goodness to include a draft of a protocol of submission to arbitration, which the Government of the United States has authorized you to sign in its name.

In response, it is a pleasure to me to manifest to your excellency that the President of the Republic has authorized me to sign the draft referred to in the name of Panama, and as said document is to be set forth in the English and Spanish languages, I attach to this writing the translation in order that your

excellency may compare it with the English original and give it your approval, in order to proceed with the signing.

I avail [etc.]

E. T. LEFEVRE.

File No. 419.11D29/110.

The Secretary of State to Minister Price.

No. 212.] DEPARTMENT OF STATE,
Washington, December 4, 1915.

SIR: The Department has received your No. 665, of the 4th ultimo, in which you enclose a copy of a judgment of the Supreme Court of Panama, holding that there is no sufficient evidence on which to institute a prosecution growing out of the riot of July 4, 1912.

You will advise the Foreign Office as follows:

Having read with care the decision of the Supreme Court, the Department cannot refrain from expressing its keen disappointment at the signal failure of the Panaman authorities to fix responsibility upon any of the individuals of the Panaman police who were engaged in the acts of criminal aggression upon citizens of the United States in the disturbances of July 4, 1912, in which several American citizens were killed and a number of others wounded.

The several disturbances of a similar character, which have occurred since the tragedy of July 4, confirm the Department's belief that the lack of vigor displayed by the Panaman authorities to detect and punish those guilty in the first disturbances would lend encouragement to repetitions; and the Department gravely fears that the situation will not be improved by the decisions of the Panaman judges.

If, as found by the Panaman judges, no guilt can be traced to any of the police engaged in the outbreak of July 4, and if, as is said by the Supreme Court in the decision under notice, "since the unfortunate event of July 4, which was investigated in these proceedings, other similar ones have occurred in the cities of Panama and Colon, and now as then it has been impossible for the Panaman and American authorities to come to an agreement as to the underlying causes thereof," the wisdom of the stipulation in the Canal Treaty by which the United States Government may take over the policing of these cities is vindicated, resort to which treaty right the Government of the United States now finds it necessary to consider, to avoid further repetitions of these unfortunate occurrences.

I am [etc.]

ROBERT LANSING.

File No. 419.11D29/122.

Chargé Spencer to the Secretary of State.

No. 738.] AMERICAN LEGATION,
Panama, December 24, 1915.

SIR: Complying with the instructions contained in the Department's No. 212, under date of December 4 last, I have the honor to herewith enclose copy of a note sent today to the Minister for Foreign

Affairs regarding the unsatisfactory judgment relating to the Cocoa Grove riot of July 4, 1912, recently handed down by the Supreme Court of Panama.

I have [etc.]

WILLING SPENCER.

[Inclosure.]

Chargé Spencer to the Secretary of State for Foreign Affairs.

No. 269.] AMERICAN LEGATION,
Panama, December 24, 1915.

EXCELLENCY: With reference to the decree of the Supreme Court of Panama which bears date of July 16 last, published in the register of the Supreme Court which appeared on September 22 last, in which the opinion was handed down that there is no sufficient evidence on which to institute a prosecution growing out of the riot of July 4, 1912, I have the honor to bring to your excellency's attention the important fact that the Department of State of my Government, having read with care the decision of the Supreme Court, cannot refrain from expressing its keen disappointment at the signal failure of the Panaman authorities to fix responsibility upon any of the individuals of the Panaman police who were engaged in acts of criminal aggression upon citizens of the United States in the disturbances of July 4, 1912, in which several American citizens were killed and a number of others wounded.

The several disturbances of a similar character which have occurred since the tragedy of July 4, confirm the Department's belief that the lack of vigor displayed by the Panaman authorities to detect and punish those guilty in the first disturbance would lend encouragement to repetitions; and the Department gravely fears that the situation will not be improved by the decisions of the Panaman judges.

If, as found by the Panaman judges, no guilt can be traced to any of the police engaged in the outbreak of July 4, and if, as is said by the Supreme Court in the decision under notice, "since the unfortunate event of July 4 which was investigated in these proceedings, other similar ones have occurred in the cities of Panama and Colon, and now as then it has been impossible for the Panaman and American authorites to come to an agreement as to the underlying causes thereof", the wisdom of the stipulation in the Canal Treaty, by which the United States Government may take over the policing of these cities, is vindicated, resort to which treaty right the Government of the United States now finds it necessary to consider, to avoid further repetitions of these unfortunate occurrences.

I take [etc.]

WILLING SPENCER.

II. FIGHT AT COCOA GROVE, FEBRUARY 14, 1915.

File No. 819.112C64.

Minister Price to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Panama, February 14, 1915—7 a. m.

A fight took place this morning about 1 o'clock between an American soldier and Panaman police and civilians at Cocoa Grove red-light district of City of Panama resulting in two deaths, one a Panaman citizen and the other a Peruvian resident of Panama. About 21 American soldiers and 2 American civilians and about 21 Panamans were wounded also, most of them being now in hospitals but wounds apparently not serious. General Edwards and I with our respective staffs and in company with Panaman Minister for Foreign Affairs

and other high Panaman authorities have spent the night investigating the situation. Unable yet to place blame but a small quarrel seemed sufficient to extend to above results.

PRICE.

File No. 319.112C64/1.

AMERICAN LEGATION,
Panama, February 14, 1915—midnight.

Supplementing my telegram of February 14, 7 a. m. It develops that only one was killed in the mêlée last night and that he was a Costa Rican negro resident of Panama; probably shot accidentally. Chief of Police of Panama who reported to me the two deaths cabled, admits he was misinformed. Four soldiers and several Panamans including a police lieutenant have bullet wounds which may prove serious to one soldier and to a Panaman boy fourteen years of age. Forty-odd others wounded are not in danger. Lieutenant Edgerly of the soldier patrol on duty was mistreated and bruised.

The trouble possibly originated from a small quarrel between a coachman and soldier in which a policeman interfered and the soldier resented it. The higher Panaman officials and police heads have been considerate. It is believed that but for the ignorance, excitability and lack of control of the body of the police force, trouble would not have occurred. Dissipation incident to first night of Annual Carnival was to a certain extent responsible for proportions the difficulty assumed.

PRICE.

File No. 319.112C64/1.

The Secretary of State to Minister Price.

[Telegram.]

DEPARTMENT OF STATE,
February 16, 1915

Your February 14, 7 a. m. and midnight. Insist upon immediate thorough investigation Panaman authorities and fixing responsibility for Cocoa Grove affray. You will, of course, conclude your own investigation, co-operating with other American authorities.

BRYAN.

File No. 319.112C64/2.

Minister Price to the Secretary of State.

No. 413.] AMERICAN LEGATION,
Panama, February 19, 1915.

SIR: Referring to my telegrams of February 14, 7 a. m. and midnight, and to the Department's telegraphic reply of February 16, I have the honor to report further regarding the mêlée in this city on last Saturday night, February 13, in which the National Police of Panama, Panaman civilians and American soldiers and civilians were involved.

The affray began about 1 o'clock Sunday morning in the red-light district of the city of Panama, known as Cocoa Grove, where

the riot of July 4, 1912, occurred. There are naturally different versions of the origin of the trouble and it seems that perhaps several clashes took place within a short time of each other.

The account given in my telegram of midnight of the 14th, that a small quarrel began between one of our soldiers and a coachman, in which a policeman interfered, resulting in resentment on the part of the soldier is, so far, as reliable an account of the beginning of the difficulty as has been obtained.

The fighting spread rapidly over this district and then to other parts of the city, developing into an incipient riot. Americans, rather indiscriminately I am told, being jeered and hooted at and called "Gringoes" and some of them being shot at and thrown at and otherwise abused. This was especially noticeable where a soldier's uniform came in view.

General Clarence R. Edwards, now in command of the military forces of the Canal Zone, and I both got on the scene as promptly as we could. General Edwards went at once to the central scene of conflict and quiet was gradually restored. A large number of our soldiers had been thrown under arrest quite indiscriminately by the police and had been incarcerated in what is known as the dungeon of the Central police station and were in a most crowded uncomfortable and unsanitary condition, one having a small knife wound across his back. Under my protest they were placed in better quarters. Secretary Lefevre, rather against the protest of certain other officials of Panama, agreed to start an examination, and, if it appeared that only suspicion and very indirect evidence was the cause of their arrest, that they would be placed under our guard, the higher officials agreeing to stand responsible for their production later, if wanted by Panama.

The examination soon resulted in all of the soldiers being turned over to us, and with these taken to the Zone, where General Edwards had already had all other soldiers who had been in the city that night dispatched, the situation was much relieved. I took particular occasion to express to Secretary Lefevre interest in as thorough and prompt an investigation as possible and the fixing of blame. I told him our investigation would be public and open and that a representative of the Panaman Government thereat would be welcomed, and that we should like to have the same consideration shown us at their investigation. Stating that their procedure required examination of witnesses in secret they would have to see later whether they could make an exceptional case of this. This feature is covered in Foreign Office notes passing between Sr. Lefevre and me, copies of which are enclosed, together with translation of his note, and attention called to the manner in which Secretary Lefevre attempted to make the record of what took place.

The military investigation began promptly Sunday morning at 9 o'clock although every one had been without sleep, and is still continuing. Secretary Lefevre, with Municipal Judge Guardia, attended the sessions that morning, but have not returned since. Several affidavits were taken by the Panamans and their investigation followed beginning on Tuesday morning last, with Lieut. E. G. Beuret present representing us. This, too, is still in progress. The Zone police are also getting affidavits and I am keeping in touch with all these.

There is one man dead, Benito Garcia, employed at Santo Tomás Hospital, Panama, as a painter. It now appears that he was a Nicaraguan by birth. Secretary Lefevre claims he had become a naturalized Panaman. However, today an American who talked with him at the hospital before this told me that the man claimed to be a Mexican. He was probably shot accidentally.

The dangerous and exasperating situation now and for several years existing here as the result of the conditions above characterized have been illustrated again by this outbreak.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–5689.] DEPARTMENT OF FOREIGN AFFAIRS,
Panama, February 17, 1915.

MR. MINISTER: Your excellency having accepted the proposition which I had the honor to submit, complying with instructions from His Excellency the President of the Republic, to have a representative of the American Government present at the taking of testimony of participants and witnesses before Municipal Judge No. 4 in the investigation of the regrettable occurrences of the night of the 13th instant in the Cocoa Grove district, I have the honor to inform your excellency that Lieut. Beuret, who was chosen by your excellency for this duty has been personally presented by me to the judge and is now attending at the taking of testimony.

I take [etc.]

E. T. LEFEVRE.

[Inclosure 2.]

Minister Price to the Secretary for Foreign Affairs.

No. 144.] AMERICAN LEGATION,
Panama, February 19, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt yesterday of your excellency's esteemed note No. S–5689 of February 17 formally noting that the presence was acceptable of a representative of the United States military forces stationed on the Canal at the investigation being carried on by authorities of your excellency's Government of the occurrences on the night of the 13th of this month in the city of Panama. I express to your excellency gratefulness for this consideration.

When on the night mentioned I gave assurance that the investigation to be conducted by our military authorities of the Canal Zone would be open and public and that representatives of your excellency's Government would be welcomed thereat both to hear and view the proceedings and to take part therein and expressed the hope that a like consideration might be shown them in the investigation held in Panama and when I repeated the same to the Honorable Secretary of Government and Justice of Panama on Monday morning last, who stated he would confer with your excellency regarding the matter, my action was prompted by the desire on the part of our authorities and myself that mutual considerateness might be evident in the investigation into this other deplorable happening between citizens of our respective countries. It was pleasing to us that your excellency on Monday afternoon indicated that our representative might be present and that said representative, Lieut. E. G. Beuret, was the recipient of the courtesies shown by your excellency in this matter.

Our authorities were most glad to have your excellency and Judge Guardia present on last Sunday at the investigation in progress at Fort Amador.

The matter of participation by representatives of your excellency's Government in our investigation and any and all suggestions agreeable to you to make has at all times, as I may repeat, been one of entire agreeableness to our authorities.

I am sure your excellency will concede the propriety of the insistent desire of my Government that the investigation by your excellency's authorities be thorough and that fairly and justly responsibility be fixed for this regrettable trouble.

I want to take this occasion to state again, what it gave me much pleasure to express heretofore, that my appreciation for the considerateness and courteous spirit already manifested by His Excellency the President of Panama and your excellency and certain other high officials of your excellency's Government in connection with this affair, is most cordial and that same has afforded me a pleasant opportunity to report it as such to my Government.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 319.112C64/2.

The Secretary of State to Minister Price.

No. 111] DEPARTMENT OF STATE,
Washington, March 6, 1915.

SIR: The Department has received your No. 413, of the 19th ultimo, reporting concerning the riot which broke out in the Cocoa Grove district of Panama on February 13 last.

You will keep the Department informed concerning the developments of the case.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 319.112C64/4.

Minister Price to the Secretary of State.

[Extract.]

No. 444.] AMERICAN LEGATION,
Panama, March 19, 1915.

SIR: I have the honor to report further with respect to the outbreak of February 14 in the Cocoa Grove district that I have received today from Brigadier General C. R. Edwards, Military Commander of the Canal Zone, two copies of the evidence procured by the military authorities in their investigation of the affair and of the reports submitted in connection therewith. One of the copies is intended for our files and such portions of the other copy as deemed advisable for transmission to the Panaman authorities. As reported in my despatch No. 413 of February 19 last, I took occasion on the morning of this happening to say to Sr. Lefevre, Secretary for Foreign Affairs that our examinations of witnesses would be open and that we would welcome thereat a representative from their Government, and in consideration therefor I requested that we might be permitted to be represented at their hearings. A few days since a note was received from Sr. Lefevre, copy and translation of which are enclosed, asking for a copy of the *sworn statements* of the American *soldiers* present on said occasion.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–5937.] DEPARTMENT OF FOREIGN AFFAIRS,
Panama, March 10, 1915.

MR. MINISTER: The Fourth Municipal Judge of the Capital District, who has charge of the investigation ordered by my Government for the bringing to light of the lamentable happenings which took place on the night of February 13 ultimo in the Cocoa Grove district, desires to obtain copies of the sworn statements rendered by the American soldiers who were present and who took part in the affray of the above-mentioned night.

In view of this I shall appreciate it if your excellency will order that the copies requested be sent to my office, in order that they may be transmitted to the above-named official.

Anticipating [etc.]

E. T. LEFEVRE.

[Inclosure 2.]

Minister Price to the Secretary for Foreign Affairs.

No. 151.] AMERICAN LEGATION,
Panama, March 19, 1915.

EXCELLENCY: In reply to your excellency's note S–5937 of March 10, I have the honor to transmit the copies requested by your excellency, consisting of Part 1, evidence of the American patrol of that evening; Part 2, evidence of soldiers submitted by their commanding officers; and Parts 3 and 3½, evidence both of soldiers and civilians, examined by Major H. A. White, Judge Advocate and Acting Adjutant on the Staff of General C. R. Edwards, who was designated by the latter as the Inspector to take said testimony.

It will be duly appreciated if your excellency will be kind enough to notify this Legation whenever any further evidence may be taken by the authorities of your excellency's Government, so that our representatives may have the opportunity to be present thereat.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 319.1112C64/9.

Minister Price to the Secretary of State.

[Extract.]

No. 465.] AMERICAN LEGATION,
Panama, April 8, 1915.

SIR: In continuance of reports upon the mêlée on February 14, 1915, between our soldiers and Panaman Police and civilians in the city of Panama, I have the honor to enclose clippings [10] from the Panaman newspapers appearing shortly after the trouble.

It will be noted that the recommendation made by Generals Goethals and Edwards to the War Department that the policing of the cities of Panama and Colon be taken over by us under the Canal Treaty of 1903, became public a few days after the mêlée.

It will be observed, I think, that the objection to the recommendation was not as emphatic as might have been expected. Realization of the nearness to the exercise of this treaty right by us, to which the outbreak had brought Panama, pervades the editorials of the "Diario," an administration paper and owned partially by Minister Morales, the Panaman Minister to Washington. The recommenda-

[10] Not printed.

tion made that action be taken by the National Assembly to provide for improvement of police conditions was not heeded before the Assembly adjourned.

I procured a list of the police force on duty in this city on the night of the trouble. It consists of 575 men, of whom 125 were added about two weeks before the Carnival. One Indolencio Franco appears on the force and I have been told by a leader of the opposition to the Porras administration that he was involved in the trouble with our sailors from the United States ship "Buffalo" in 1908, and that he ran away from Panama then to avoid prosecution. This same leader states that he has good reason to believe that quite a number of the policemen who were on duty when the riot of July 4, 1912, took place have been reinstated and were on the force on the night of February 14 last.

The copies of the reports of our authorities forwarded with despatch No. 461 of April 5, 1915, do not overlook the fact of a certain amount of blame resting upon some of our soldiers in connection with this affair. However, it seems quite well established that the soldiers were without arms, except the three Flobert rifles taken from a shooting gallery during the trouble; that the police were armed not only with pistols, but quite a number of them with high-power bayoneted rifles; that the first shooting was done by them and that there were evident quite early in the riot the loss of self-control and the exhibition of bad disposition toward Americans by the large body of them.

I have [etc.]

WM. JENNINGS PRICE.

File No. 319.112C64/24.

Minister Price to the Secretary of State.

No. 631.] AMERICAN LEGATION,
Panama, October 1, 1915.

SIR: I have the honor to report that Brigadier General Edwards has recently furnished the Legation with a copy of the claims for damages against the Republic of Panama first sent by him to the War Department on behalf of sixteen soldiers wounded in the riot in the city of Panama on February 14 last. In his report the War Department is requested by General Edwards to present the claims to the Department of State for action thereon, in view of which, and the fact of the considerable length of the statements, I await the instructions of the Department before having them recopied and forwarded, as I shall also await the Department's instructions regarding presentation of the claims to the Panaman Government.

I have [etc.]

WM. JENNINGS PRICE.

File No. 319.112C64/23.

The Acting Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, October 9, 1915.

MY DEAR MR. SECRETARY: The inclosed papers [10] relating to claims for damages against the Republic of Panama on account of personal injuries received by enlisted men of the Army in a riot in the City of Panama on February 13–14, 1915, are forwarded for such action by the Department of State as may be warranted by the facts presented.

Sincerely yours,

HENRY BRECKINRIDGE.

File No. 319.112C64/24.

The Secretary of State to Minister Price.

No. 190.] DEPARTMENT OF STATE,
Washington, October 19, 1915.

SIR: The Department has received your No. 631, of the 1st instant, in which you report that Brigadier General Edwards has furnished your Legation with a copy of the claims for damages against the Republic of Panama on behalf of sixteen soldiers wounded in the riot in the city of Panama on February 14, 1915, and inquire what action you should take thereon.

In reply you are informed that the Department has recently received from the War Department the statements of the claims referred to and is giving them careful consideration.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

File No. 319.112C64/23.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, October 23, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, with which you enclose papers relating to claims for damages against the Republic of Panama on account of personal injuries received by enlisted men of the United States Army in a riot in the City of Panama on February 13–14, 1915.

The enclosures in your letter are returned, and in reply I have the honor to say that the claims which it is desired to present against the Government of Panama should be prepared in accordance with the instructions contained in the claims circular which is forwarded to

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[10] Not printed.

you herewith, and transmitted to the Department, which will in due time give the claims careful consideration with a view to determining whether diplomatic intervention in support thereof is justifiable.

I have [etc.]

ROBERT LANSING.

III. RIOT AT COLON, APRIL 2, 1915—KILLING OF CORPORAL LANGDON.

File No. 319.1123L25.

Minister Price to the Secretary of State.

[Telegrams.]

AMERICAN LEGATION,
Panama, April 2, 1915.

A mêlée between American soldiers and Panama policemen and civilians took place late this afternoon in Colon resulting in Corporal Langdon of our Coast Artillery Corps stationed on the Atlantic side being killed by a Panaman policeman and three soldiers being wounded but not fatally. A slight scalp wound is the only injury to a Panaman so far reported. Policeman who killed Langdon was arrested by our soldiers.

It is stated that the trouble began between a soldier who had been drinking and a Panaman policeman neither of whom however seem to be among the injured. In addition to killing and wounding of the soldiers mentioned others were pelted with rocks. Good Friday holiday and a baseball game had drawn a number of soldiers to the city. As far as investigation now shows, shooting of Langdon was most unjustifiable. I shall proceed to Colon to-night.

PRICE.

File No. 319.1123L25/2.

AMERICAN LEGATION,
Panama, April 4, 1915.

Investigation of Colon mêlée is in progress by the military authorities. Testimony thus far indicates it was started from trifling cause and that killing of Langdon was reckless and unprovoked. Langdon was in charge of our patrol. Policeman under arrest was seen at a distance dodging back and forth from a blind and shooting at our soldiers generally, including Langdon.

PRICE.

File No. 319.1123L25/2.

The Secretary of State to Minister Price.

[Telegram.]

DEPARTMENT OF STATE,
Washington, April 6, 1915.

Your April 4. Insist that policeman mentioned be speedily tried and protest urgently against any indicated attempt to shield him.

BRYAN.

File No. 319.1123L25/3.

Minister Price to the Secretary of State.

[Extract.]

No. 469.] AMERICAN LEGATION,
Panama, April 10, 1915.

SIR: Referring to my telegrams of April 2 and April 4, and the Department's telegram of April 6, I have the honor to report that investigations by our military authorities and by the Panaman authorities are still in progress, a representative of our respective authorities being in attendance at each other's hearings.

The investigation under charge of Col. Chamberlain, temporarily on the Zone on inspection duty, has continued from day to day, being now, since Thursday, when Col. Chamberlain left for the United States, conducted by Lieut. Goetz, Aide on staff of Brigadier General Edwards.

Lieut. Goetz was the one who arrested the policeman charged with shooting Corporal Maurice Langdon in charge of our patrol. * * * It seems now that up to this time no one has been found who can identify the policeman who shot Langdon, although there is good testimony that a policeman was seen dodging back and forth behind the corner of a building and shooting toward Langdon. Another Panaman policeman has been under arrest since Sunday, or Monday charged with participation in the riot.

I herewith enclose newspaper accounts of the affair.[10] The one from Panama Morning Journal of April 3, and the small reference of April 7 in Star and Herald, are fairly accurate. The enclosure from Panama Morning Journal of April 5 was an account inspired by the Panaman officials.

As soon as I saw this last account I got in communication with the editor of the Morning Journal, Mr. Niemeyer, who lately came from the States to take charge of it, and he told me that this was written, including the item regarding the release of the policeman, pursuant to a report made to him by the Secretary of President Porras, and by one of Mr. Federico Boyd's sons, who proves to be Jorge, now sitting in place of his father on the Joint Land Commission. * * * I at once got into communication with the Panaman Foreign Office, protesting against the possible release of this policeman, and submitted a note, copy of which is enclosed. They declared he would not be released, and he is still in confinement.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary of State for Foreign Affairs.

No. 160.] AMERICAN LEGATION,
Panama, April 5, 1915.

EXCELLENCY: I have the honor to refer to the following paragraph appearing in the "Panama Morning Journal" in its issue of this morning in an article upon the mêlée in Colon Friday afternoon, namely:

Panaman government officials said last night that the policeman would be released today as it was absolutely proven that he could not have shot Langdon.

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[10] Not printed.

I am informed that the investigation being conducted by our military authorities has already brought forth strong evidence of the guilt of the policeman referred to and arrested for the killing of Corporal Langdon of our patrol of that afternoon and has so far disclosed a situation very different from that set forth in said newspaper article.

I am, of course, aware of the informality usually of accounts appearing in newspapers in cases of this kind, but in the name of my Government and out of all precaution I protest against the release of this man and represent to your excellency that my Government confidently expects a thorough and prompt investigation of this affair and such visitation of punishment and redress of grievances and conditions as a fair and impartial consideration of the whole affair may show to be just and proper.

The investigation by our authorities in this case has been and will be open to your excellency's representatives and an invitation through Governor R. S. Arcia was duly extended for your excellency's Government to have a representative present and the request made and, I understood, granted that we might have a representative present at the investigation by the authorities of your excellency's Government. For this purpose we should appreciate it to be given notice and opportunity to have our representative on hand at your excellency's investigations. I shall appreciate as prompt a response as possible and agreeable to your excellency to this note in this deplorable affair.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 319.1123L25/4.

Minister Price to the Secretary of State.

[Extract.]

No. 475.] AMERICAN LEGATION,
Panama, April 16, 1915.

SIR: I have the honor to report that the investigations continue by representatives of our authorities and those of Panama into the mêlée of April 2, 1915, in Colon. Lieut. Goetz, now in charge of our military investigation since the departure of Col. Chamberlain, confesses to me discouragement over inability to obtain direct evidence from any one as to the person guilty of shooting and killing Corporal Maurice Langdon and little identifying testimony as to the policemen guilty of shooting at a number of our soldiers on that afternoon. * * *

I enclose a copy of the report made by Captain H. D. Mitchell, Chief of the Canal Zone Police, to the Governor of the Panama Canal a few days after the mêlée. * * *

The next morning after the trouble I called upon Governor Arcia of Colon before returning to Panama and expressed earnest interest in prompt and thorough action by Panama and in the presence of a representative of our Government being permitted at their examinations: he expressed himself agreeably regarding these requests. I followed this with the note to Sr. Lefevre enclosed with despatch No. 469, and I now transmit Sr. Lefevre's response to same and its translation.

Both policemen are still in confinement.

There is no question that the Panaman authorities are more alarmed than they have ever been over the possible taking over of the policing of Panama and Colon pursuant to Article 7 of the Canal Treaty of 1903.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1—Extract.]

Chief of Police Mitchell to the Governor of Panama Canal Zone.

THE PANAMA CANAL,
POLICE AND FIRE DIVISION,
Balboa Heights, Canal Zone, April 5, 1915.

RIOT AT COLON APRIL 2, 1915.

SIR: I have the honor to submit the following report relative to the riot which occurred in Colon, Republic of Panama, April 2, 1915.

During the afternoon of the 2d instant, about 1,200 soldiers attended a ball game at Colon between the 5th Infantry and Cristobal teams. A special train of 17 coaches took the soldiers to Colon from their stations, and during the game was left on a spur track. During the game a number of soldiers left the ball grounds and visted the city of Colon. * * *

From the testimony given by a number of witnesses, it appears that the fight between the soldiers and police first occurred at the corner of 10th and Cash streets, about 5 p. m. It seems that the trouble arose through a quarrel between a civilian, Jamaican, and a soldier, caused by the negro trying to push his way through a dozen soldiers who were standing on the sidewalk. One of the soldiers shoved the negro aside and told him to walk around them. The latter took exception to the actions of the soldier and blows were exchanged until a policeman came along and took hold of the negro and pushed him across the street, where a number of negroes were standing. The negro returned and was again taken back by the officer, who was jeered by the crowd of negroes for his actions. In the meantime the controversy had attracted a number of soldiers, police, and natives. Testimony as to what immediately followed is conflicting and reference will be made only to that which appears to be verified by two or more witnesses.

1st. A policeman was accidentally struck by a swagger stick in the hands of a soldier, which the former resented, and he tried to arrest the soldier.

2d. The police tried to drive the soldiers away and the latter resisted.

The trivial affair with the negro grew complicated as the crowd increased and the police soon lost their heads and opened fire, without any provocation that would warrant such action on their part. I have been unable to find any evidence of intoxication among the soldiers such as one would naturally expect to find when looking for the causes of the riot. A number of witnesses have testified that at least four shots were fired by the police in endeavoring to compel the soldiers to leave this neighborhood. Privates Klimp and Richeson were wounded as a result of this shooting.

After this affray had subsided, in which Governor Arcia and Commandante of Colon Police Catano assisted in restoring order, trouble broke out again near the corner of 11th Street and Broadway about the time the ball game terminated, which was about 5.20 p. m.

As the soldiers were leaving the ball grounds a number of small colored boys began throwing stones at them, and when the boys were joined by a number of colored men a general fusillade ensued, during which a number of soldiers, policemen and civilians were injured and several windows of buildings were broken. Just north of Hudson Alley and on either side of 11th Street several policemen opened fire, from the vicinity of two buildings located next to the vacant lots on 11th Street. Most of their firing was evidenty directed at the soldiers on, and in the vicinity of, the special train. As the train carrying the soldiers pulled out of Colon rocks and clubs were thrown at the soldiers aboard by the crowd of negroes. Private Deloughery, who was standing on the rear platform of the train, was shot in the left side.

A squad of the guard, in charge of Corporal Maurice Langdon, was moving east on 11th Street from D Street, and as Langdon was standing on the sidewalk in front of a store on the southwest corner of 11th Street and Hudson Alley he was shot, and died while being taken to the hospital. On the afternoon of the 6th instant Capt. Carpenter removed a .38 caliber bullet from a door which was located about two feet to the south from the point where Corporal Langdon had been standing. After the latter had been shot, Privates Scott and Walsh, members of the patrol, who were standing in the street opposite the place where Corporal Langdon had stood, fired one shot each with their rifles at a policeman who was firing at them from behind the building

located near the northeast corner of 11th Street and Hudson Alley. Private Hollan fired twice, and Private Keysanov once, at policemen who were firing from the rear of a building located on the southeast corner of 11th Street and Hudson Alley.

Two policemen are under arrest in the Colon police station pending an investiagtion relative to the shooting.

Three empty shells, caliber .38, were still warm when picked up by Capt. Carpenter in the rear of the building located at the southeast corner of 11th Street and Hudson Alley, immediately after the firing had ceased.

An investigation of the affray is being conducted by Colonel John L. Chamberlain, Inspector General, for the military authorities, and by Governor Arcia for the Panamans. Capt. J. M. Fulton, C. A. C., is representing the military authorities at the investigation of the Panamans, and Mr. Inocencio Galindo is representing the Panaman authorities at the military investigation.

In order to minimize any trouble that might arise between the soldiers and police in Panama City or Colon on occasions when a large number of the former are present, I would recommend that a strong military guard be detailed to patrol the city.

Respectfully,

H. D. MITCHELL,
Chief, Police and Fire Division.

[Inclosure 2—Translation.]

The Secretary of Foreign Affairs to Minister Price.

S–6229.] DEPARTMENT OF FOREIGN AFFAIRS,
Panama, April 7, 1915.

MR. MINISTER: I have the honor to refer to the esteemed note of your excellency, No. 160 of the 5th instant, which relates to the recent sad occurrences in Colon.

As soon as I received the said note, I communicated with Sr. Ruben S. Arcia, Governor of the Province of Colon, as to what was the truth about the article in the "Panama Morning Journal" to the effect that the policeman would be set at liberty, and this functionary informed me that the notice lacked foundation.

The investigation of the unfortunate circumstances is being carried out in the most impartial and thorough manner by Governor Arcia and meantime none of those detained under arrest on suspicion for having responsibility for the death can be set free.

I take this opportunity [etc.]

E. T. LEFEVRE.

File No. 319.1123L25/3.

The Secretary of State to Minister Price.

No. 134.] DEPARTMENT OF STATE,
Washington, April 23, 1915.

SIR: The Department has received your No. 469, of the 10th instant, and approves your note to the Panaman Foreign Office protesting against the release of the policeman held under suspicion of being the man who shot the American soldier, Maurice Langdon.

I am [etc.]

For the Secretary of State:
JOHN E. OSBORNE.

File No. 319.1123L25/5.

Minister Price to the Secretary of State.

No. 480.] AMERICAN LEGATION,
Panama, April 23, 1915.

SIR: Supplementing my despatch No. 475 of April 16, 1915, regarding the Colon mêlée of April 2, I have the honor to enclose a

copy of an additional report on the affair made by Capt. H. D. Mitchell, Chief of the Canal Zone Police, to Gov. Goethals, under date of the 20th of this month.

The investigations both by Panama and our military authorities, at which respectively a representative of the other is present, have not yet been concluded. The valuable work of the Canal Zone Police through their detective and policeman branches will continue also.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Chief of Police Mitchell to the Governor of Panama Canal Zone.

BALBOA HEIGHTS, *April 20, 1915.*

MEMORANDUM FOR THE GOVERNOR.

With reference to the riot in Colon on April 2, 1915, I have to advise that of the two Panaman police officers who were in rear of the building at the southeast corner of Broadway and Hudson Alley during the riot between the soldiers and police, it is admitted by Governor Arcia of Colon and regarded as an established fact that one of the officers who were firing at the soldiers on the train was sub-lieutenant No. 3, who has been under arrest since that date. He answers the description of the policeman who shot Private Deloughery. The identity of the officer who was with him at the time ,and who was also firing at the soldiers, has not as yet been learned.

From their position while in rear of the building they could not have fired the shot which killed Corporal Langdon. It has developed, however, that there were at least two policemen firing on Corporal Langdon's squad from behind a building located near the northeast corner of Broadway and Hudson Alley, but due to the fact that but one man exposed himself at a time in firing upon them, the members of the patrol were under the impression that but one policeman was shooting from that point. I have received confidential information to the effect that Miguel Navas, No. 1, was the officer who fired the shot that resulted in the death of Corporal Langdon.

Vigilante G. Gordon is said to have been on Broadway at the time of the riot, and to have positive knowledge as to the identity of the policemen who were at the location from which the shot, which killed Langdon, was fired. It has also been reported that Navas was armed with a 32-caliber automatic revolver.

In the statement made to Lieut. Callaway of the Canal Zone Police on April 3 by Inez Mose, brown Barbadian, female, 16 years of age, living in Colon on 9th and Cash Streets, and employed by a Mrs. Holderman as a servant, in concrete house No. 63, she states that Navas fired three shots at soldiers at the corner of 10th and Cash Streets, striking one soldier in the arm, a second in the chest and a third in the ear; but two soldiers, however, were shot at this place. Investigation is being continued in an effort to learn the identity of the officers who did the shooting.

H. D. MITCHELL.

File No. 319.1123L25/4.

The Secretary of State to Minister Price.

No. 138.] DEPARTMENT OF STATE,
Washington, April 28, 1915.

SIR: The Department has received your No. 475, of the 16th instant, reporting concerning the investigation which has been made of the disturbances which occurred at Colon on April 2, 1915, during

which Corporal Maurice Langdon of the United States Army was killed, as it is alleged, by a Panaman policeman.

You will continue to insist upon the punishment of persons guilty of shooting American citizens during the affray mentioned and that persons suspected of guilty participation in this affair be not released unless, after thorough investigation of the charges, just grounds for their detention shall not appear.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 319.1123L25/6.

Consul Gale to the Secretary of State.

AMERICAN CONSULATE,
Colon, May 4, 1915.

SIR: I have the honor to forward for the Department's information copy of a report I have prepared on the subject for the benefit of the American Legation at Panama, at the request of the Minister.

I have [etc.]

WM. H. GALE.

[Inclosure.]

Consul Gale to Minister Price.

[Extract.]

AMERICAN CONSULATE,
Colon, May 3, 1915.

SIR: Referring to the riot which took place in Colon on April 2 last, I have the honor to submit the following report of the occurrence in question.

The main facts are well known, namely: a baseball game between the soldiers of the Fifth Infantry and the Cristobal baseball team was held at the ball grounds in Colon on the afternoon of April 2. A special train was run from Las Cascadas and Empire to bring the soldiers of the Fifth Infantry and the Tenth Infantry to witness the game. About eight hundred soldiers were concentrated in Colon for the above reason. During the game and subsequent thereto encounters occurred between the soldiers, Jamaican negroes, and Panaman policemen, which resulted in the shooting to death of Corporal Maurice Langdon of the Twenty-first Company, Coast Artillery Corps, the wounding by bullets of three other American soldiers, and injuries of a minor character received by one Panaman policeman and one Jamaican negro.

Besides the above facts, it is known that two distinct disturbances occurred during the afternoon; one in the city, at some distance from the ball field, while the game was in progress; and the other in the immediate vicinity of the ball field, at the conclusion of the game, when the visiting soldiers were entraining. The first affair was of comparatively minor importance, although two shots appear to have been fired by Panaman policemen and two soldiers to have been wounded. The second affair was a regular riot, characterized by fights between soldiers and Jamaican negroes, the stoning of houses by soldiers, the firing upon soldiers detailed as a provost guard while in the performance of their duty, and the firing upon the train containing unarmed soldiers by one or more Panaman policemen.

With respect to the immediate cause of these disorders and to the happenings in detail, neither the evidence brought out at the investigation by the United States military authorities nor at the investigation by the Governor of the Province of Colon appears to be clear or conclusive.

In regard to the first affair, the only facts which seem to have been established are that on or near the corner of Cash and Tenth Streets, in the restricted or red-light district, at sometime during the ball game, a fight occurred between two or three soldiers and some Jamaican negroes; that one or more Panaman policemen intervened; that two shots were fired by the policemen,

resulting in the wounding of two of the soldiers; and that one policeman was struck by a stick under the left eye.

With reference to the riot after the ball game, the facts appear to have been these: The Fifth Infantry team was defeated. An important decision of the umpire had gone against the soldiers, and their defeat left behind considerable soreness. In coming from the field to entrain, they were jeered at by a number of Jamaican negro boys. A soldier caught hold of one of the boys, and, without hurting him, apparently used him a little roughly. Some negro men in the crowd thereupon took part, throwing stones at the soldiers. This precipitated a general mêlée, in which soldiers, negroes and Panaman policemen participated, the latter using their revolvers and firing several shots into the crowd and at the train. In the meantime, word of the earlier trouble at Cash and Tenth Streets had reached some of the officers at the ball game, and orders had been given to detail a provost guard and get all the soldiers on the train, which was in waiting on a siding near the ball field. A company of the Coast Artillery Corps was promptly detailed as an armed guard, and upon its appearance, in squads of four men, the riot was quelled.

It was while Corporal Langdon was going to the scene of the trouble, in command of his squad, that he was shot down. The evidence as to who fired the fatal shot is very conflicting. It is not even certain that it was a policeman. There are indications that it may have been some person firing from the upper balcony of one of the neighboring houses.

It appears that five shots in all were fired by the soldiers, two by Corporal Langdon's squad at the time he was killed and three by other members of the provost guard. None of them took effect. * * *

It seems to me probable that if there had been a guard to patrol the red light district and to preserve order at the ball field, there would have been no trouble.

As to the future, I am of the opinion that similar disturbances are only likely to occur when a considerable number of soldiers from other posts, or sailors from visiting warships, are given liberty in Colon, and that this danger can be avoided if an adequate provost guard be provided in each case.

Another precautionary measure which would seem to me highly advisable and which I am inclined to believe might be practicable, is to prevail upon the Panaman authorities to disarm their policemen in Colon, except in the case of picked men detailed for special duty. Very few Panaman policemen, in my opinion, have the judgment and steadiness of nerve to be trusted with fire-arms. When any emergency arises, they are almost sure to become so excited as practically to be irresponsible. I doubt very much, for instance, if in the riot of April 2, the policemen intended deliberately and of malice to shoot down American soldiers. I think it more likely that owing to the excitement caused by the fights with the negroes and the stone-throwing they completely lost their heads, and, having firearms, used them without realizing fully what they were doing.

The facts set forth in the above report are not based upon direct evidence taken by me, but I think that you may safely accept the account given of the occurrences as substantially correct.

I am [etc.]

WM. H. GALE.

File No. 319.1123 L.25/9.

Minister Price to the Secretary of State.

No. 545.] AMERICAN LEGATION,
Panama, June 25, 1915.

SIR: Referring to the riot in Colon April 2 last, between our soldiers and police and civilians of Panama, I have the honor to report that there was loaned to this Legation last week by Brigadier General C. R. Edwards, Military Commander of the Canal Zone, a copy of the report of Colonel J. L. Chamberlain, Inspector General of the United States Army, made by him of an investigation conducted under his supervision between the 2d and 8th days of April.

I have had a copy made of said report and herewith enclose same.

The last of the five recommendations made by Colonel Chamberlain in his report is as follows:

5. That, with as little delay as possible, the control of Panama and Colon and their environments be taken over by the Canal Zone authorities; such control to embrace regulation of the sale of liquor and "dope", as well as sanitation, prostitution, and police.

Colonel Chamberlain returned to the States along with Major General Leonard Wood on April 5 but since his departure the further investigation of the riot has been under the charge of Lieut. R. C. F. Goetz, Aide-de-camp on the Staff of Brigadier General Edwards. I am informed that he has just recently written his report and that same is being transmitted to the usual channels of the Department of War.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Extract.]

Colonel Chamberlain's Report.

No. 642 IOED.] HEADQUARTERS EASTERN DEPARTMENT,
OFFICE OF THE INSPECTOR,
New York City, April 20, 1915.

INVESTIGATION OF DISTURBANCES, CITY OF COLON, PANAMA.

1. Report of investigation of trouble between enlisted men, U. S. Army, and Panaman police, and native civilians, which occurred in the city of Colon, Panama, on the afternoon of April 2, 1915, made in compliance with letter of instructions dated April 3, 1915.

2. Accompanying this report is the recorded testimony of about 225 witnesses, of whom about 30 are civilians; the remainder are officers and enlisted men of the U. S. Army. In addition to these witnesses many other persons were interviewed. * * *

CONCLUSIONS.

1. The immediate cause of the trouble in the first instance, which occurred at the corner of Cash and 10th Streets, was an accident which, had it occurred in a town under American control, would have amounted to nothing.

2. In the events which immediately followed, the enlisted men were not blameless, nor was their conduct all that could have been desired. Yet I believe that interference by the Panaman police was, under the circumstances, uncalled for, and resort to fire arms, resulting in the wounding of three men, wholly unwarranted.

3. The trouble at the close of the ball game on Broadway appears to have been brought about by one or more trifling events in which both sides were obviously equally at fault. That same became general in so short a time and assumed serious proportions, must, in my belief, be attributed to the intensely hostile feeling existing between the negroes and Panamans on the one side, and American soldiers and civilians on the other.

4. Resort to gunfire by the police, resulting in the killing of one soldier and wounding of another, while unwarranted, was under the conditions, a natural sequence of the events of a few moments before and of the general conditions already described.

5. The conduct of the soldiers at the ball park and about the street of Colon, prior to the trouble at Cash and 10th Streets, was excellent. After the trouble began, the prompt and energetic action of the officers and noncommissioned officers averted what might have been a disastrous fight. The men, many of whom were recruits, many of whom had been drinking to a greater or lesser extent, and all of whom were much wrought up because of the casualties, were quickly gotten under complete control. This, together with the

self-restraint of the armed patrols when under fire, evinces on the whole a good state of discipline. The men are not angels, nor were their actions blameless—far from it. Yet, all things considered, it is believed that their conduct as a body was not open to severe criticism. Individuals were at fault, but there appear to be no instances calling for disciplinary action, except as hereinafter noted.

6. As set forth at length in this report, the trouble at Colon on April 2, as well as former troubles of a similar character, were due primarily to the intensely hostile feeling between American civilians and soldiers on the one hand, and the colored and native Panamans on the other, conditions which unless remedied, will lead to disastrous results. * * *

RECOMMENDATIONS.

* * * 4. The policeman who first opened fire, and those policemen whose shots resulted in the death of Corporal Langdon and in the wounding of Privates Klimp, Richeson, and Deloughery, should be duly punished by the Panaman authorities. Their identity is doubtless already known to the Panaman authorities, but as to their action in the matter I do not venture an opinion, since it is, among Americans, generally believed that the police, as a body, are political henchmen of the governing authorities. The Commanding General U. S. troops, C. Z., has this matter in charge, and pending his report no action is recommended.

5. That, with as little delay as possible, the control of Panama and Colon and their environments be taken over by the Canal Zone authorities; such control to embrace regulation of the sale of liquor and "dope," as well as sanitation, prostitution, and police.

J. L. CHAMBERLAIN.

File No. 319.1123L25/10.

Minister Price to the Secretary of State.

No. 552.] AMERICAN LEGATION,
Panama, July 9, 1915.

SIR: I have the honor to report further with reference to the matter of the prosecution of the Panaman policeman whose arrest, as heretofore reported by me, was accomplished at the instigation of our military authorities shortly after the riot between our soldiers and Panaman policemen and civilians in Colon on April 2 last.

Referring to my despatch No. 469 of April 10, 1915, and the Department's cables followed by instructions No. 134 of April 23, I enclose a copy of a note and its translation from the Secretary of Foreign Affairs of Panama notifying me that he felt obligated to release said policeman from further custody. This note bore date of June 26, but was not delivered to this Legation until the afternoon of June 28 during the absence of the Secretary of Foreign Affairs of Panama in Colon and while I happened to be away from the Legation in conference with Acting Governor Harding of the Panama Canal.

As soon as I translated said note after its receipt I went at once to the Panaman Foreign Office, and though not finding Señor Lefevre in, I protested to the Subsecretary against the contemplated release of the policeman, and had them call police headquarters. They reported him still in custody. I communicated the matter to Brigadier General Edwards as promptly as possible by telephone, and later again visited the Foreign Office, this time finding Señor Lefevre. I protested to him vigorously against releas-

ing said policeman. He assured me he was still under arrest, and asked me to withhold a formal note until he could look further into the matter, and promised me that he would continue to be detained and that he would transmit to me another note to that effect. On June 30 the subsequent note came, stating that his detention would be continued. A copy of same and its translation are also enclosed.

I enclose further a copy of a formal note sent by me in the matter, after consideration. This sets forth at length matters involved herein, and I refer to same and make it a part hereof rather than summarizing its contents.

It seems that the evidence connecting said policeman with the murder of Corporal Langdon is somewhat meager, but that accusing him of the shooting of Private Deloughery and wounding him is quite sufficient to justify not only a prosecution, but to uphold a conviction.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1—Translation.]

The Secretary for Foreign Affairs to Minister Price.

FOREIGN OFFICE,
Panama, June 26, 1915.

MY DEAR MR. MINISTER: I have received a letter, a copy of which I enclose, from the policeman, who, as you know, is under arrest in the police station of Panama by my order as a result of the event which occurred in Colon the 2nd of April last.

Up to the date of the investigation carried on in relation to these events no charge whatsoever has been found against him, for which reason I have no authority to keep him any longer under arrest and I shall see myself obliged to place him at liberty, which fact I bring to your knowledge for courtesy to you and to the military authorities of your Government. Usual orders will be given in all ways that he be not permitted to leave the city until further advice.

I take [etc.]

E. T. LEFEVRE.

[Subinclosure.]

PANAMA, *June 25, 1915.*

SIR: With all due respect I address you to explain the following:

The poor state of my health obliged me to tender my resignation from the post of Sub-Lieutenant of the National Police Force, which has been accepted by His Excellency the President of the Republic by resolution No. 63 dated the 22d of this month; but when I tried to return to my house to be cured, I was notified that I could not leave by reason of being arrested by your order.

In view of this I respectfully request you to give orders for my liberation, promising to be at your disposition when you need me.

Your obedient [etc.]

[Inclosure 2—Translation.]

The Secretary for Foreign Affairs to Minister Price.

FOREIGN OFFICE,
Panama, June 29, 1915.

MY DEAR MR. MINISTER: Referring to my personal letter of yesterday, relating to the matter of the policeman, I should tell you that I have just learned that the personal reports which were submitted to me yesterday and were the cause of my letter, were erroneous and that he is held under arrest not only by my order but also by request of the judge who is investigating the events of April 2 last, in Colon.

In view of this, I shall not grant the petition of the said policeman, who will continue to be detained under arrest.

With [etc.]

E. T. LEFEVRE.

[Inclosure 3.]

Minister Price to the Secretary of State for Foreign Affairs.

No. 196.] AMERICAN LEGATION,
Panama, July 8, 1915.

EXCELLENCY: I have the honor to refer to the two notes of your excellency bearing dates respectively of June 26 and June 29 last, by the first of which your excellency indicated that you felt yourself obliged to place at liberty the policeman who has been under arrest growing out of the deplorable riot which occurred in Colon on the 2d of April last (which information was stated to be furnished as a matter of courtesy to this Legation and through it to our military authorities), and by the last of which notes your excellency was good enough to communicate that you would refuse to grant the petition of said policeman to be released and that he would be continued to be detained under arrest.

The latter note, following my vigorous protest to your excellency, made as promptly as was possible after the receipt of the first note, brought a sense of relief, for I must tell your excellency again that my surprise was complete and even more than surprise at the receipt of the first note.

I would refer to conferences which took place between your excellency and myself just subsequent to this riot and to my note No. 160 of April 5 last, protesting against the possible release of said policeman and expressing to your excellency the expectation that my Government indulged that a prompt and thorough investigation of said riot would be conducted by the officials of your excellency's Government and that a just and proper visitation of punishment and redress of grievances and conditions would be had.

I am informed from the investigation conducted by our military authorities into this matter that proof has been produced of a strong and convincing character showing said policeman to be guilty of having shot and wounded Private Deloughery, the American soldier who, while standing on the end of the train awaiting to return to his home, was recklessly shot and badly wounded in the arm; that other testimony has been given indicating that he may also have been the man who cruelly murdered Corporal Maurice Langdon on this same occasion. I am informed further that the representative of your excellency's Government was present at least when a part of this testimony was given before our military investigation and that the guilty participation of said policeman in certain of the wrongs of that day, as proved by reputable witnesses, has been recognized and acknowledged by an official representing Panama.

The investigation carried on by our military authorities in this matter, as your excellency knows, was a purely voluntary one for the purpose of rendering assistance to the authorities of your excellency's Government in ferreting out and bringing to punishment the parties culpable of the grievous misdeeds committed on that occasion. No responsibility has been assumed by our authorities for bringing to justice those responsible for the crimes of that day, because, in fact, no such responsibility could be assumed. The whole affair occurred on Panaman soil and within Panaman jurisdiction and the sole responsibility rests upon the Government of Panama and its authorities to bring the criminals to the bar, to mete out justice and to make amends for those distressing events. The residents of the neighborhood where the troubles of this day occurred are more familiar to Panama authorities than they could be to any one else; there were considerable numbers of the national poilce force of Panama present during the disturbances and the shootings that took place; and, therefore, in addition to the responsibility that rests upon the authorities of Panama, there also exists the favorable opportunity for them to obtain information and convicting testimony such as are not accessible to anyone else.

More that three months have now passed since this riot and not even one prosecution, it seems, has been instituted by Panama authorities. The arrest of the accused policeman had to be accomplished, or at any rate was accomplished,

by one of the American military organizations, Lieut. R. C. F. Goetz, Aid-de-camp of Brigadier General C. R. Edwards; and even in the face of incriminating testimony a rumor became current a few days after his arrest that he was to be released; and now again it would appear that a disposition of leniency toward the accused man exists somewhere which ordinarily might be construed to be out of keeping with the earnestness and diligence which my Government has been relying upon as animating the prosecuting authorities of Panama after the catastrophe which took place in Colon on the day mentioned.

Our military authorities ever since this happening have stood ready and now stand ready to extend such aid as they can to your excellency's authorities in the conduct by the latter of vigorous prosecutions in this affair; but again I call to the attention of your excellency that the initiative and burden and responsibility in the whole matter rests with your excellency's Government.

As one of the aids in attempting to place responsibility it was deemed some time ago that it would be helpful if a list could be procured with their corresponding numbers of the police force of your excellency's Government on duty on the occasion of this occurrence in Colon, and information as to the particular section or district to which the respective numbers thereof had been assigned and were on duty at the time. I must inform your excellency that although four or five requests have been duly made by our American consular representative in Colon for such list and information, they have all been without avail. I deem it proper further to inform your excellency that the rumor has come to our authorities that the accused policeman has for some weeks been kept in only technical custody and not under actual arrest and custody at all.

In view of all the foregoing I would respectfully solicit from your excellency on behalf of my Government information upon the following points, which for the sake of convenience and clearness are classified serially as inquiries, in the following manner:

First. Has any criminal charge been lodged against said policeman or any other person growing out of the riot of April 2, in Colon; and if not, the reason why?

Second. What has been the nature of the detention and custody of said policeman since the time of his first arrest, and at what different places has he been since that time, and what is the nature of the custody now being exercised over him?

Third. If no criminal charge has been lodged or prosecution begun against said policeman or any one else pursuant to said riot, what is deemed necessary yet to be done before such charge may be entered and such prosecution begun?

Fourth. How many Panaman policemen and residents of the vicinities of said disturbances and eyewitnesses thereto have been brought before authorities of your excellency's Government and made to testify regarding said troubles, and what are the names of them?

Fifth. What are the names and numbers of the National Police force serving in Colon at the time of this riot, and where were they assigned to duty and where were they actually on duty at said time?

Your excellency, I am sure, must know how very much these outbreaks, occurring from time to time and now twice within recent months and resulting in each instance in the wounding and maiming of American citizens, have hurt and torn the feelings of my countrymen and have exasperated my Government. Considering the privileges accorded my Government under its treaty existing with Panama, its patience and forbearance under these trying circumstances have been most kindly. Not only the ability of Panama to maintain order, but its proper inclination to do so and certainly its active interest in having same maintained and examples made of those (the infliction of punishment upon whom might serve as a deterrent as well as impose just retribution, as distinguished from, at least, an indifferent attitude in the matter), have now been put to the test as perhaps never before.

With the fullest respect for the motives that animate your excellency, I appeal to the exercise of the energies and powers of your excellency's office to the intent that such other departments of your excellency's Government as may be more directly charged with the fulfillment of duties arising out of situations of this kind may be stirred to an activity that may bring forth beneficial results.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 319.1123L25/10.

The Acting Secretary of State to Minister Price.

No. 163.] DEPARTMENT OF STATE,
Washington, July 23, 1915.

SIR: The Department has received your No. 552, of the 9th instant, in which you report that you vigorously protested against the release of the Panaman policeman who is charged with the murder of Corporal Langdon and the shooting of Private Deloughery during the riot in Colon on April 2 last.

The Department approves your action in the matter.

I am [etc.]

ALVEY A. ADEE.

File No. 319.1123L25/11.

Minister Price to the Secretary of State.

No. 572.] AMERICAN LEGATION,
Panama, July 30, 1915.

SIR: I have the honor to enclose herewith a copy of a letter from Brigadier General C. R. Edwards, Military Commander of the Canal Zone, with which there was forwarded to the Legation a copy of the report of 2nd Lieut. R. C. F. Goetz, F. A., A. D. C., accompanied by copies of the evidence taken by him and Col. J. L. Chamberlain, in the matter of the investigation of the Colon riot of April last between our soldiers and Panaman police and civilians. Attached to Brigadier General Edwards' letter was a copy of his letter of the date of July 23 last forwarding to Major General Leonard A. Wood, as Commanding General of the Eastern Department, the said report of Lieut. Goetz, in which letter Brigadier General Edwards makes reference to several matters connected with or incidental to the riots of February 14 and April 2 last, including an appreciated one regarding the work of this Legation in connection therewith. The letter to me of date of July 13, mentioned in the third division of the letter of Brigadier General Edwards to Major General Wood as giving his views regarding the police conditions in the city of Panama, is the letter a copy of which was forwarded by me to the Department with my despatch No. 568 of July 26.[12]

I shall forward a copy of said report of Lieut. Goetz (unaccompanied by the evidence) as soon as we are able to make a copy.

I have [etc.]

WILLIAM JENNINGS PRICE.

[Inclosure 1—Extract.]

General Edwards to Minister Price.

HEADQUARTERS UNITED STATES TROOPS,
PANAMA CANAL ZONE,
Ancon, C. Z., July 24, 1915.

MY DEAR MR. MINISTER: I am enclosing herewith a copy of my letter forwarding the report of 2nd Lt. R. C. F. Goetz, F. A., A. D. C., as well as a copy of

[12] Printed under Proposal to demand delivery of rifles, etc.

his report and a copy of the evidence taken by Colonel Chamberlain in his investigation. All these papers are for file in your office.

Very respectfully,

C. R. EDWARDS,
Brigadier General.

[Inclosure 2—Extract.]

General Edwards to General Wood.

HEADQUARTERS UNITED STATES TROOPS,
PANAMA CANAL ZONE,
Ancon, C. Z., July 23, 1915.

1. I enclose herewith a report of the Colon riot of April 2, 1915, made by 2nd Lieut. Robert C. F. Goetz, 1st Field Artillery, A. D. C.

* * * Lieut. Goetz's report contains no new statements by witnesses. It consists largely of a statement of facts concerning his participation in the riot, his observations and conclusions being based on this participation and the evidence submitted by the various witnesses.

2. * * * I will forward a copy of Lieut. Goetz's report with evidence as well as a copy of this letter to the American Legation. * * *

3. * * * My views regarding the police conditions in Panama City were quite fully expressed * * * in a letter dated July 13, 1915 to the American Minister, Mr. Price, copy of which is enclosed. What I therein said applies equally well to the City of Colon, remembering only that this city is not nearly so large as the City of Panama. It is hardly necessary for me to state here, since I have occasion to call attention to the matter many times heretofore, that I have established at Balboa Heights a provost guard company for the purpose of assisting the police in Panama City. This provost guard consists of one company of Infantry—E company of the 10th regiment, which I moved from Camp Otis to Balboa Heights, and put in tents in which it is still living. * * *

4. There is one company of Coast Artillery Corps stationed in Colon, and the Commanding Officer of the Coast Defenses of Panama also is stationed and lives in Colon. He is charged with maintaining the necessary provost guard patrols in that city. The extensive fire which occurred in Colon in the first part of May, has rendered it somewhat unlikely that any disturbances will occur there in the immediate future, and the patrols in that city are quite small, though, of course small patrols are still maintained.

5 I was in Colon on the day the riot occurred, and from the reports that came to me shortly after the riot, I was inevitably led to the conclusion that Corporal Maurice Langdon came to his death by a shot from the revolver in the hands of a policeman. This policeman was arrested and confined during the riot; I therefore requested the Governor not to release him under any conditions until I had been informed that it was proposed to discontinue his confinement. From Colonel Chamberlain's report and also that of Lieut. Goetz, I am convinced that he could be found guilty of the murder of Corporal Langdon, were he tried for it. I am satisfied he could be found guilty of shooting Private Deloughery, and for this he should be brought to trial by the Panaman authorities without delay. And, inasmuch as the conditions were such that it could easily happen that he was also the man who shot Corporal Langdon, I think he should be brought to trial on the charge of murdering the said corporal. In this connection, I desire to state that the American Minister, Mr. William Jennings Price, has shown great interest in this entire matter and his good work has been of much assistance. He recently learned that it was the intention of the Panaman authorities to release the policeman and he immediately and vigorously protested, with the result that the man is still in confinement. I, too, personally had spoken to the Minister of Foreign Affairs, Mr. Lefevre. I shall rely upon the interest of the American Minister, and trust he may be able to secure a speedy trial of this policeman, though it may not be possible to have him tried before the Panaman authorities have completed the investigation of the riot which they are making. * * *

C. R. EDWARDS,
Brigadier General, U. S. Army.

File No. 319.1123L25/12

Minister Price to the Secretary of State.

No. 579.] AMERICAN LEGATION,
Panama, August 9, 1915.

SIR: Supplementing my despatch No. 572 of July 30, 1915, I have the honor now to transmit a copy of the report made to Brigadier General Clarence R. Edwards, Military Commander of the Canal Zone, by 2nd Lieut. Robert C. F. Goetz, 1st F. A., A. D. C., upon the investigation, conducted by him after departure of Col. J. L. Chamberlain, of the riot between our soldiers and Panaman police and civilians in the city of Colon on April 2 last.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Extract.]

Report of Lieutenant Goetz.

* * * * * * *

CONCLUSION.

* * * In the investigation of the Colon riot there is no evidence to show that there was any firing by the soldiers or citizens either foreign or American and I do not believe there was any. There was firing by the provost guard, but in every instance it was a case of returning the fire of the policemen. To my mind it was a very deplorable state of affairs. Here were the officers of the law, hired by the Government of Panama to keep peace, and they were the very ones to sneak into the passageways of the buildings, accentuate the trouble, making it an affair of life and death by their wanton and promiscuous firing.

Their firing was unprovoked, not justified, and not to handle any immediate situation that called for drastic action, but with apparently one idea in mind, to kill. The whole police situation of the two terminal cities of the Canal deserves our immediate attention and action.

I would recommend that the entire police control of Panama City and Colon be taken over by our Government; that American policemen, with a speaking knowledge of Spanish, be put there; Panaman arrests to be turned over to the Government of Panama for punishment or their proper disposition; American and foreign citizens and soldiers to be disposed of the same as in our own territory.

ROBERT C. F. GOETZ.
2nd Lt. F. A., A. D. C.

File No. 319.1123L25/13.

Minister Price to the Secretary of State.

No. 590.] AMERICAN LEGATION,
Panama, August 21, 1915.

SIR: Referring to the note enclosed with my despatch No. 552 of July 9, transmitted by me to the Panaman Foreign Office protesting against the release of the Panaman policeman, I have the honor to enclose copies of three supplementary notes in which I have insisted upon a response to the note first mentioned.

The conference referred to in the third of these notes was one in which I took occasion to express to the Secretary of Foreign Affairs

of Panama my disappointment and surprise at the seemingly indifferent attitude of Panama in this matter; to say to him it was making an unfavorable impression upon my Government and to remark that I was unable to comprehend the motives actuating them in this, even viewing the situation from their own standpoint. I made the observation again that I did not believe that if the positions of our respective Governments had been reversed during recent years, his own Government would have been as forbearing as ours, and I made reference again in passing to our treaty privileges. In responding, Secretary Lefevre said that he had written the Superior Judge twice without avail for information regarding the prosecution of this policeman, and indulged in the opinion that our Government would not think of taking over their national police force in the cities of Panama and Colon, saying that it would be a practical deprivation of their sovereignty. I warned him against feeling assurance on this line if energetic action and satisfactory settlement in the cases of the last three riots on their part continued lacking.

I have received no response to any of the four notes mentioned.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1.]

Minister Price to the Secretary for Foreign Affairs.

No. 203.] AMERICAN LEGATION,
Panama, July 28, 1915.

EXCELLENCY: In view of the importance of the whole matter and the interest being taken in same by my Government, and the fact that the period of four months will have elapsed with the ending of this week since the riot in the city of Colon on April 2 last, I am impelled respectfully to refer to my note No. 196 of the 8th of this month and I have the honor to request respectfully that my Government may have the appreciated benefit of a response herein as promptly as it may possibly be convenient.

I avail [etc.]

WM. JENNINGS PRICE.

[Inclosure 2.]

Minister Price to the Secretary of State for Foreign Affairs.

No. 206.] AMERICAN LEGATION,
Panama, August 9, 1915.

EXCELLENCY: I have the honor to refer to my note No. 203 of July 28 last, and to the note No. 196 of the 8th therein referred to, regarding matters connected with the Colon riot of April 2, and respectfully to request again an extension of the kindness and courtesy of your excellency to the end that a response to said last-mentioned note may be accorded without further delay.

I avail [etc.]

WM. JENNINGS PRICE.

[Inclosure 3.]

Minister Price to the Secretary of State for Foreign Affairs.

No. 210.] AMERICAN LEGATION,
Panama, August 18, 1915.

EXCELLENCY: I have the honor to refer to my note No. 206 of August 9 last and to the notes therein referred to and likewise to our recent conference and

again respectfully to request the attention of your excellency to the importance of this matter with the hope that a full response herein may be received by my Government without further delay.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 319.1123L25/14.

Minister Price to the Secretary of State.

No. 599.] AMERICAN LEGATION,
Panama, August 30, 1915.

SIR: Referring to my despatch No. 590 of August 21, with which I enclosed copies of three notes addressed to the Panaman Foreign Office, I have the honor to transmit a copy of a note and its translation which I have now at last received from Secretary Lefevre on said subject.

I shall reply to this note duly calling attention to its unsatisfactory character, asking again for the information requested in my first note, which has not been furnished, and I shall again attempt to make them realize the necessity for a better exhibition of good faith in their handling of the responsibilities resulting from this riot than is displayed in this note.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary of State for Foreign Affairs to Minister Price.

No. S–7796.] FOREIGN OFFICE,
Panama, August 28, 1915.

MR. MINISTER: I have the honor to refer to the courteous notes of your excellency, Nos. 196, 203, 206, and 210, of the 8th and 28th of July and the 9th and 18th of the present month, respectively, relating to the events in the city of Colon on April 2 last, which I have not answered before because I was expecting information from the Department of Government and Justice, who in turn had to solicit the same from the judicial officials who have the matter in charge.

According to information furnished me by said Department, the steps taken on the first few days by the Mayor of Colon were referred to the Colon Circuit Court on May 17. On May 20, having found the investigation defective because some offenses committed at the same time as that of the murder had been overlooked, the Colon Circuit Judge extended the time in order to cure this defect. On July 28 the report was made to the Circuit Judge, who says that it will pass this week to the Superior Judge, who must decide the matter on the merits of the statements of the report, which the law makes confidential.

In regard to the inquiries which your excellency made in your note, the Secretary of Government and Justice advises me that until the competent judge decides as above said, it will be impossible to give you a categorical response to each of the questions formulated by your excellency.

With respect to the detention of the policeman, I can advise you that that has been in effect from the beginning, and that during the preliminary investigations he was held in one of the cells of the jail. At present, in view of the condition of his health, he has been transferred to Santo Tomás Hospital, but he is duly in custody there in the department for prisoners.

E. T. LEFEVRE.

File No. 319.1123L25/15.

Minister Price to the Secretary of State.

[Extract.]

No. 607.] AMERICAN LEGATION,
Panama, September 8, 1915.

SIR: Referring to the Department's instruction No. 163 of July 23 and to my despatch No. 599 of August 30, I have the honor to transmit a copy of my reply, sent September 4, to said note of Señor Lefevre.

About the time of the transmission of this note Señor Lefevre called me over the telephone, saying that a few days before he had had a meeting of a number of their judicial officers, their Attorney General and the Governor of the Province of Panama at the President's palace; that he had read to them two of my notes and had attempted to impress upon them the necessity of diligence in these matters and had stated to them that if their police control in the cities of Panama and Colon were eventually taken from Panama, they must consider themselves partially to blame for it.

He said that he had a stenographer present and would send me a report of the proceedings. He remarked that he believed one beneficial result had already been obtained as he had that day been informed that the Supreme Court had affirmed the sentence of the lower court against Juan Antonio Almangor for stabbing, Mr. E. L. Rahlin, of the U. S. S. *Denver*, nearly two years ago. * * *

I am convinced that the same dilatory tactics will be utilized by Panama as were followed in the riot of July 4, 1912, and that effective and earnest prosecution will not be had unless Panama is made to feel, in default thereof, a real danger of our exercising our rights under article 7 of the Canal Treaty of 1903 with reference to taking over their police forces in the cities of Panama and Colon.

I doubt exceedingly whether any sustained energetic action will result from the meeting referred to above, even granting that sincere efforts were indulged in there, unless forceful demands on our part are continued in conjunction with the threats, at the very least, as to loss of their police control.

I respectfully solicit the further instruction of the Department.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 217.] AMERICAN LEGATION,
Panama, September 4, 1915.

EXCELLENCY: Acknowledging the receipt of your excellency's note No. S–7796 of August 28, 1915, in response to my notes Nos. 196, 203, 206 and 210, having relation [etc.], I have the honor to express to your excellency much surprise and disappointment over the failure of said response of your excellency to furnish any but a small part of the information asked for and over the indefinite and unsatisfactory character of such as was furnished.

I most respectfully call to the attention of your excellency that I have been informed that, in accordance with the agreement made promptly after the occurrence of this riot, there could be nothing in connection with the investiga-

tion conducted by the authorities of your excellency's Government which could be of such a private nature as would prevent the information being furnished which was requested on behalf of my Government in my note No. 196 of nearly two months ago; that such information, too, would be available from other than the one particular source referred to in your excellency's said note.

The interest of my Government in this whole matter is so great and the importance of the results of an earnest and diligent and sincere redress of the whole situation by your excellency's Government or the reverse thereof is believed to be fraught with such potentialities for your excellency's Government quite as much as for my own, that I must refer specifically to each of the questions asked in my said note No. 196, and with all due respect urge and insist upon the transmission with proper promptness to my Government of the information sought by them.

In order for my Government to have official knowledge as to the official or officials of your excellency's Government upon whom the responsibility rests both directly and indirectly for the fulfillment of obligations and duties arising as the result of these riots, the following additional information is respectfully requested:

First: The name of the Mayor of Colon referred to in your excellency's note and by whom he was appointed to office.

Second: The name of the Judge of the Colon Circuit and by whom he was appointed to office.

Third: The name of the Superior Judge and by whom he was appointed to office.

Fourth: The names and by whom they were appointed to office of all other judges and of the prosecuting attorney or attorneys who have all had to do officially with the matters growing out of said Colon riot and also of the riot taking place in the City of Panama on February 14 last; and likewise the same information as to the judges and prosecuting attorneys, who under the laws of your excellency's Government may yet have official connection with said matters, if they have not already had such connection.

It is hoped that certain of the information requested will, when furnished by your excellency, explain why important witnesses among our American soldiers to the events occurring in Colon have not been thus far utilized by the authorities of your excellency's Government, although our military authorities stood ready to present them whenever notified, which willingness was at the inception cordially expressed to the authorities of your excellency's Government and again made reference to in my said note No. 196.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 319.1123L25/13.

The Secretary of State to Minister Price.

No. 170.] DEPARTMENT OF STATE,
Washington, September 11, 1915.

SIR: The Department has received your No. 590, of the 21st ultimo, in which you report your conversation with the Panaman Minister of Foreign Affairs regarding the case of the Panaman policeman accused of shooting Private Deloughery and of complicity in the murder of Corporal Langdon during the Colon riot of April 2 last.

You state that Mr. Lefevre expressed the hope that the Government of the United States would not think of taking over the National Police force in the cities of Panama and Colon, saying that it would be a practical deprivation of the sovereignty of Panama, and that, in reply, you warned him against feeling assurance in this line unless energetic action was taken and satisfactory settlement made in the cases growing out of the last three riots in Panama.

Your warning and the notes transmitted by you to the Panaman Foreign Office in these cases are approved.

I am [etc.]

ROBERT LANSING.

File No. 319.1123 L25/14.

The Acting Secretary of State to Minister Price.

No. 176.] DEPARTMENT OF STATE,
Washington, September 18, 1915.

SIR: The Department has received your No. 599 of the 30th ultimo in which you enclose a copy of a note from the Panaman Foreign Office replying to your latest communication in regard to matters growing out of the Colon riot of April 2, 1915. You state that you will reply to this note calling attention to its unsatisfactory character and asking again for the information requested in your former note.

Your proposed action is approved.

I am [etc.]

FRANK L. POLK.

File No. 319.1123 L25/20.

Minister Price to the Secretary of State.

No. 630.] AMERICAN LEGATION,
Panama, October 1, 1915.

SIR: Brigadier General C. R. Edwards, Military Commander of the Canal Zone, recently sent to the Legation a copy of the statements of claims for damages against the Republic of Panama for injuries suffered by American soldiers in the Colon riot of April 2nd, with the exception of the case of Corporal Maurice Langdon, who was killed, and I have the honor to transmit a copy of same.[10]

These statements were first sent by General Edwards to the Department of War, which I judge will duly present the matter to the Department of State.

As the record now stands claims are made as follows:

Heirs of Corporal Maurice Langdon, statement and amount to be presented later.	
Charles R. Richeson	$1,000
James Deloughery	1,000
George Klimp	1,000
Wm. A. Day	1,000

I have [etc.]

WM. JENNINGS PRICE.

File No. 319.1123 L25/19.

Minister Price to the Secretary of State.

[Extract.]

No. 634.] AMERICAN LEGATION,
Panama, October 4, 1915.

SIR: Referring to my despatches Nos. 599, 607, and 614 of the respective dates of August 30, September 8 and September 14 last, relating to my efforts to procure prosecution by Panama on account of the events connected with the Colon riot of April 2, 1915, I have the honor to report that on Saturday I received the first response

[10] Not printed.

herein from the Secretary of Foreign Affairs of Panama of a character at all satisfactory. I enclose a copy of same and its translation.

The comparatively small number of witnesses thus far examined by the Panaman authorities in the matter is noticeable. With reference to my request regarding the police force the response is most meager, and I shall again request the full list.

Señor Lefevre has stated to me that he was arranging so that a representative of our Government chosen from the military authorities may be present at the further investigations and any prosecutions which may follow, with right to take part therein. He requested me to have General Edwards, Military Commander of the Canal Zone, designate some one, and stated that within a few days he expected to have the Attorney General of Panama go over with us the proceedings thus far followed and submit their plans as to the future. Upon the return of General Edwards this week from Costa Rica I shall submit Señor Lefevre's proposition to him for his decision as to whether the military cares to share the responsibility with Panama in the matter of the prosecutions in order to obtain more definite assurance by representation therein of the good faith of the efforts of the Panaman officials.

I should be glad to have expression of the opinion of the Department upon the policy involved in the matter.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary for Foreign Affairs to Minister Price.

S–8057.] FOREIGN OFFICE,
Panama, September 30, 1915.

MR. MINISTER: I have the honor to refer to the courteous note No. 217 from your excellency, of the 4th instant, bearing on the events which took place in Colon last April 2.

Although, as I told your excellency in my former note, according to our judicial code the report ordered by the judicial authorities is of a private character, nevertheless the Superior Judge of the Republic has told me that, as a courtesy to your excellency's Government, he will submit to you all the information possible, and we are trying to find the way within our laws for the Government of the United States to have representation in those judicial matters in which her citizens play a part.

I have been able to obtain almost all the information necessary to reply to the questions of the last two notes of your excellency, which I now proceed to answer in the following statements:

1. No writ of procedure against any person has as yet been issued, due to the fact that this affair is in the stage of investigation; when this is concluded the Superior Judge will issue his writ of procedure, if there is occasion for it. As regards the tardiness of the whole case, it is right to take into consideration that it deals with fixing the responsibilities for various crimes: that is, not only for the death of Corporal Langdon of the American patrol, and for wounds to different soldiers, among them James Deloughery, but also for the wounds suffered by various Panamans and some foreigners, and other crimes in connection with these, such as the damage caused to the property of Benigno Palma. This circumstance, together with the delays required by our codes, justifies in part the delay.

2. The policeman is provisionally detained on account of the complaints against him made in declarations taken before the American military authorities. It is for the Superior Judge to decide about his detention.

3. As stated above, before the Superior Judge decides on a writ of procedure against any person, it is necessary that the investigation be concluded. The

Attorney General has promised that this shall occur with the least possible delay.

4. I enclose a list of the witnesses up to date who have given testimony in the case [9] and I shall be glad if your excellency will send me the names of the witnesses which the American military authorities have ready to testify before our judicial authorities, as you told me, in order that the prosecuting attorney may present them to the superior judge and they may be able to testify.

5. I also enclose a list of the members of the police force who served in the streets of Colon where the disturbances took place on April 2.[10]

6. The Mayor of Colon who held the first investigations is Manuel de J. Grimaldo; he was appointed to this position by the Governor of Colon, Ruben Arcia.

7. Miguel A. Grimaldo, as Judge No. 1 of the Colon Circuit, at the designation of the Superior Judge of the Republic, conducted the investigation at the start; but when he became Judge No. 3 of the Panama Circuit, the new judge of the Colon Circuit, Gerardo Abrahams, also designated by the Superior Judge, continued it. The Superior Judge is J. Demosthenes Arosemena; the Attorney General, Chief of the Department of Prosecution, is Alfonso Fabrega.

Under the terms of the Panaman Constitution, all the judges are named by the Supreme Court; the prosecuting attorneys by the President.

8. The judge of the case, as has been stated, is the Superior Judge of the Republic and, for the second instance, for appeal or consultation, the Supreme Court.

I shall not close without telling your excellency that when it has been settled in what manner the United States Government will have representation in the case, you will be convinced that everything is being carried on with all possible fullness and justice, and the prosecuting attorney, who not only has the duty to prosecute but also to show up the truth whatever it may be, has genuine interest to see justice given in this case, which my Government is the first to deplore; and we are all anxious to cooperate so as to avoid a repetition of such events.

I take [etc.]

E. T. LEFEVRE.

File No. 319.1123L23/22.

Minister Price to the Secretary of State.

No. 637.] AMERICAN LEGATION,
Panama, October 7, 1915.

SIR: Making reference to my despatch No. 634 of October 4, I have the honor to transmit a copy of another note sent to Señor Lefevre in response to the one with said despatch.

Señor Lefevre, Panaman Secretary of Foreign Affairs, has promised me that he will furnish me the balance of the information referred to in my note.

It is deemed important to obtain all the information originally asked for, for the purpose of ascertaining how much good faith Panama has shown in this investigation so far, to locate other eyewitnesses and residents of the neighborhood where the riot took place whom the officials of Panama have not yet examined; also, to attempt to place the responsibility upon that portion of the police force upon whom it properly belongs, and to obtain a full list for the purpose of finding out how many of the police force on this date were policemen who were involved in prior riots and whose reemployment on the corps would of itself be an indictment of Panama's good faith toward us in these matters.

I have [etc.]

WM. JENNINGS PRICE.

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[10] Not printed.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 234.] AMERICAN LEGATION,
Panama, October 7, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your excellency's courteous note No. S–8057, of September 30, 1915, relating to matters growing out of the Colon riot of April 2 last.

Due appreciation is expressed for the information thus transmitted by your excellency. There can not fail to be noticed, however, that some of the most important information requested on behalf of my Government in my note No. 196 of July 8, which request was repeated in four subsequent notes, is not included in your excellency's kind note. I must, therefore, in justice to the large interests involved, request again respectfully the interposition by your excellency of your energies and good offices that my Government may be given without unnecessary further delay full responses to the inquiries believed to be so entirely pertinent and appropriate herein.

While awaiting with interest to hear again from your excellency,
I avail [etc.]

WM. JENNINGS PRICE.

File No. 319.1123L25/18.

The Secretary of State to Minister Price.

[Extract.]

No. 189.] DEPARTMENT OF STATE,
Washington, October 16, 1915.

SIR: The Department has received your Nos. 607 and 614 of the 8th and 14th ultimo, relating to the indifference shown by the Panaman authorities to taking any effective steps to redress the wrongs committed in the riots of February 14 last in Panama and on April 2 last in Colon.

The Department approves your note of September 4 last to the Panaman Foreign Office in reply to its note on the subject and will await the receipt of a response from the Foreign Office to it before giving instructions in the matter.

I am [etc.]

ROBERT LANSING.

File No. 319.1123L25/19.

The Secretary of State to Minister Price.

[Extract.]

No. 191.] DEPARTMENT OF STATE,
Washington, October 19, 1915.

SIR: The Department has received your No. 634, of the 4th instant, in which you request an expression of the opinion of the Department in regard to the suggestion made by Señor Lefevre that a representative of the United States Government be designated to be present at the further investigations and any prosecutions which may follow on account of the events connected with the Colon riot of April 2, 1915.

The Department believes that it would be well for a representative of the military authorities of the Canal Zone to attend the prosecutions of persons accused of guilty connection with the riot mentioned,

but is of the opinion that such representative should take no part with the Panaman authorities in the conduct of such prosecutions.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

File No. 319.1123L25/20.

The Secretary of State to Minister Price.

No. 192.] DEPARTMENT OF STATE,
Washington, October 19, 1915.

SIR: The Department has received your No. 630, of the 1st instant, with which you enclose copies of statements of claims for damages against the Republic of Panama for injuries suffered by American soldiers in the Colon riot of April 2, 1915 (with the exception of the case of Corporal Maurice Langdon, who was killed), which statements were sent to your Legation by Brigadier General C. R. Edwards, Military Commander of the Canal Zone.

In reply you are informed that the Department will, in due time, give the statements careful consideration.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

File No. 319.1123L25/22.

The Secretary of State to Minister Price.

No. 197.] DEPARTMENT OF STATE,
Washington, October 28, 1915.

SIR: The Department has received your No. 637, of the 7th instant, enclosing a copy of a note addressed by you to the Panaman Foreign Office requesting further information relative to the prosecutions by the Government of Panama against the policeman and others on account of the Colon riot of April 2 last.

Your action is approved.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

File No. 319.1123L25/23.

Minister Price to the Secretary of State.

[Extract.]

No. 675.] AMERICAN LEGATION,
Panama, November 11, 1915.

SIR: I have the honor to enclose a copy of another note sent by me to the Panaman Foreign Office in continuation of my efforts in the matter of the Colon riot of April 2nd.

Señor Lefevre declared to me that he was going to take a day from his office on Tuesday and spend it in conference with the Criminal Judge in an attempt to further the investigations herein,

and that he would give me an early response. It has not been received.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 260.] AMERICAN LEGATION,
Panama, November 8, 1915.

EXCELLENCY: I have the honor to refer to my note No. 253 of the 30th of last month in the matter of the Colon riot of April 2, 1915, and to the other communications pertinent thereto, and with all due respect but also with proper insistence to solicit your excellency's considerate attention with promptness in this matter.

Awaiting the valued response of your excellency,

I avail [etc.]

WM. JENNINGS PRICE.

File No. 319.1123L25/24.

Minister Price to the Secretary of State.

[Extract.]

No. 708.] AMERICAN LEGATION,
Panama, December 7, 1915.

SIR: Referring to my despatch No. 675 of November 11, I have the honor to transmit a copy and translation of a note received from the Secretary of Foreign Affairs last Saturday. I have made prompt response and send also a copy of same.

Brigadier General C. R. Edwards, Military Commander of the Canal Zone, having designated Captain Oliver Edwards as the representative of the military authorities in such further investigation as might be had herein, I sent him copies of Señor Lefevre's note and of my response and suggested that he have Captain Edwards come down promptly and let me forthwith present him to the Secretary of Foreign Affairs and attend the further proceedings in these matters under the limitation of authority suggested by the Department in its instruction No. 191 of October 19 last. Pursuant thereto I have this afternoon presented Captain Edwards at the Foreign Office, and Señor Lefevre set Friday next for him to meet with the Attorney General in conjunction with Señor Lefevre, and to make arrangements for the hearing of additional witnesses and the pressing forward of the investigation of the late riots in the cities of Panama and Colon.

General Edwards advises that the list of soldier witnesses to be presented before the Panaman authorities will now be furnished within a few days.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–8533.] FOREIGN OFFICE,
Panama, November 30, 1915.

MR. MINISTER: I have the honor to refer to the polite notes of your excellency, Nos. 234, 253, and 260, of the 7th and 30th of October and of the 8th instant, relating to the happenings in Colon on April 2 last.

As additional information to that which I was glad to send to your excellency in my note of September 30, I shall have the honor to include, as soon as I receive it from Colon, a list of the policemen who were on duty in the city of Colon on April 2.

As I said in the above-mentioned note, this office, as an act of courtesy towards your excellency's Government and in order to give a proof of the impartiality with which the Panaman judicial power proceeds, has been studying, in conjunction with the office of the Prosecuting Attorney, the means by which your Legation can have representation at the hearing of the recent criminal causes resulting in riots in the cities of Colon and Panama, in which American citizens were involved; and now I am glad to tell your excellency that the Prosecuting Attorney of the Superior Court thinks that the only way of obtaining this end, in conformity to our law, is that your excellency appoint a representative who shall get in touch with him and who can ask questions and cross-questions during the progress of the case, through the Prosecuting Attorney, and acquire in this way the necessary information and bring into the case all the proofs he desires and which have not been recognized by our judicial authorities.

In virtue of which I beg your excellency, if you think it suitable, to appoint this representative, who should know Spanish and if possible have some knowledge of our laws.

I permit myself to remind your excellency that as yet this office has not received the names of the witnesses which the American military authorities hold ready to testify before our judicial authorities, according to the statement of your excellency, and I request you to please send it as soon as possible so as to avoid further delay in the hearing of the case.

I take [etc.]

E. T. LEFEVRE.

[Inclosure 2.]

Minister Price to the Secretary for Foreign Affairs.

No. 267.] AMERICAN LEGATION,
Panama, December 6, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt on Saturday of your excellency's note No. S–8533, in response to several late notes of mine relating to the matter of the riot in the city of Colon on April 2 last.

Your excellency will permit me to express regret that none of the questions seeking information respecting the investigation in this matter which were left unanswered by your excellency's note, No. S–8057, of September 30 last, is yet answered by the note now received, including the list of policemen on duty in Colon on the day mentioned, and as well the designation of which of the witnesses were eye-witnesses in the list of those submitted by your excellency's former note.

I note that your excellency states that your excellency's office in conjunction with the Prosecuting Attorney has been studying the means by which this Legation can have representation at the hearing of the recent criminal causes resulting in riots in the cities of Panama and Colon, and that your excellency reports that the Prosecuting Attorney of the Superior Court thinks that the only way of obtaining this end is for such a representative to get in touch with him, and who thus will be given the privilege of asking questions during the progress of the cases, but only through the medium of the Prosecuting Attorney, and thus to acquire information useful in bringing into the cases testimony which may not have been presented by the judicial authorities of Panama. Your excellency is kind enough to offer to suggest that this representative be appointed.

In reply thereto, I have the honor to advise your excellency that Brigadier General C. R. Edwards, Military Commander of the Canal Zone, has designated Captain Oliver Edwards as the representative of our military authorities in the Canal Zone to attend the prosecutions conducted by your excellency's authorities in said cases, provided this may be acceptable to your excellency's Government; but said representative under all the circumstances will not take part in the conduct of such prosecution. This Legation, while appreciating the courtesy of the offer of your excellency, in view of the whole situation will offer no one as its representative in a capacity described by your excellency.

It is presumed that in no sense will it be expected by your excellency's Government that any part taken by any one connected with my Government in

these matters will be construed as any assumption of responsibility for the institution or outcome of any investigation or prosecution herein, and acting upon said presumption the designation of Captain Edwards is made.

There is further noted the reminder of your excellency's note that the names of witnesses which the American military authorities hold ready to testify before Panaman judicial authorities have not been sent in.

In view of the prolonged delay of your excellency's authorities in furnishing my Government information asked for in this matter, the tardiness of such investigation as has been made, the failure thus far to give any information as to which of the comparatively small number of witnesses having any direct knowledge of the happenings on said occasion, and the further fact that your excellency in your note of September 30 represented that you would later communicate the decision that might be arrived at with reference to the manner that my Government might have representation in these affairs in connection with the assurance that my Government would be thus convinced that the investigation is being carried on by your excellency's authorities with all possible decision and justice, it seemed the proper conclusion that your excellency did not expect the list of the witnesses examined by our military authorities, who have been available to your excellency's Government ever since the happening of this event, until my Government might have the additional communication proffered as aforesaid in your excellency's note above mentioned.

My Government would be pleased to know the present status of this investigation and what, if any, further steps have been taken since the receipt of your excellency's said note, No. S–8057, of September 30, beyond the reaching of the conclusion communicated by the last note of your excellency, regarding the manner in which a representation from our authorities might be permitted to take any part in this investigation.

Again I would respectfully request for my Government the balance of the information now so many times asked for and that the good offices of your excellency may be exerted so that all diligent and sustained efforts on the part of those having responsibilities in these matters without further delays may be put forth to remedy the wrongs committed on the occasions of these riots, and to search out those guilty and to impose penalties of a character that should be a deterrent in the future against a repetition of such events.

I avail [etc.]

WM. JENNINGS PRICE.

IV. PROPOSAL TO DEMAND DELIVERY TO THE CANAL AUTHORITIES OF THE RIFLES OF THE PANAMAN POLICE, FOR STORAGE.

File No. 419.11D29/87.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, May 7, 1915.

SIR: I have the honor to transmit herewith a copy of a despatch[13] received from the American Minister to the Republic of Panama, containing his report upon a conference which he had with the Minister for Foreign Affairs of Panama, in which conference certain proposals were made by Panama regarding the control of the Panaman police by American policemen. A copy of the beforementioned despatch is forwarded for your information, and it is requested that this Department may be favored with the views of the War Department concerning the proposal outlined by the Panaman Minister for Foreign Affairs.

So far Minister Price does not seem to have received the note promised him by Señor Lefevre, the Panaman Minister for Foreign Affairs, in which a formal proposal along the lines of the con-

[13] No. 476, dated April 17, 1915; printed under Riot at Cocoa Grove, ante.

ference was to be made. This Department, however, would like to be informed as to the views of the War Department, in order that no time may be lost in acting upon Señor Lefevre's suggestions, once they are received.

For your information, the Department of State ventures to express its opinion, as a matter of policy, that the degree of control allowed the American policemen and their subordination to Panaman superiors which would result from the scheme as outlined by Señor Lefevre, does not meet with the approval of the Department.

It is also felt that should any control of the Panaman police be attempted by the American authorities it should be absolute in character, allowing a free hand to the American official who would be in charge of the American personnel and whatever Panaman personnel would seem best under the circumstances.

It is true that this Government has, in the past, failed to avail itself of the rights which it has under the terms of the treaty with Panama, to insist upon the control of the police on the Isthmus. The recent riots there, however, have again brought the matter to the attention of this Government and in order to take whatever action may seem best in the premises, it wishes to be in possession of such views as your Department may care to submit, regarding full American control of the police in Panama.

I have [etc.]

W. J. BRYAN.

File No. 819.1052/46.

The Secretary of War to the Secretary of State.

WAR DEPARTMENT,
Washington, May 11, 1915.

SIR: On February 15, 1915, the Department received a report to the effect that in an altercation between enlisted men of the Army and Panama police, in the City of Panama on the morning of February 14, 1915, a number of enlisted men had been wounded or otherwise injured; and on April 3, 1915, a report was received to the effect that a disturbance somewhat similar in character to the one referred to above had occurred on the afternoon of April 2, 1915, in the City of Colon, Panama, during a ball game between a team of the 5th Infantry and a team from Cristobal composed of enlisted men and civilians, which disturbance resulted in the death of Corporal Maurice Langdon, 21st Company, Coast Artillery Corps, who was in command of an Army patrol, and in the wounding, more or less seriously of three other enlisted men of the Army, by Panama police.

In reporting upon these occurrences, the Commanding General, Eastern Department, within the territorial limits of which department the Canal Zone is located, recommended that representations be made to the Government of Panama with a view to securing the arrest and trial of those responsible for the death of Corporal Langdon, and for the wounding or injuring of the other enlisted men referred to above; and that the present uncertain status of the patrols maintained by the United States military authorities in the cities of Panama and Colon be placed upon a definitely established and well recognized basis, through an agreement between the Gov-

ernment of the United States and the Government of Panama, which agreement should define clearly the functions and powers of these patrols.

This Department concurs in the recommendations of the department commander as set forth above, and is of the opinion that the patrols should have general authority to arrest soldiers and sailors of the United States and other persons connected with the military and naval establishments of the United States, within the limits of the cities of Panama and Colon. I have, therefore, the honor to request that, if agreeable to the Department of State, representations in accordance with the foregoing be made to the Government of Panama, and to suggest that prior to asking the necessary concessions from that Government the United States diplomatic representative at Panama ascertain in conference with Major General George W. Goethals and Brigadier General Clarence R. Edwards the exact powers and functions that should be vested in the military patrols.

Very respectfully,

LINDLEY M. GARRISON.

File No. 819.1052/47.

The Acting Secretary of War to the Secretary of State.

[Extract.]

WAR DEPARTMENT,
Washington, May 15, 1915.

SIR: I have the honor to acknowledge receipt of your letter of May 7, 1915, transmitting the copy of a dispatch from the American Minister to the Republic of Panama containing the latter's report upon a conference which he had had with the Minister of Foreign Affairs of Panama as to certain proposals made by Panama regarding the control of the Panaman police by American police.

The Department of State expresses the desire, in the above letter, to be in possession of such views as the War Department may care to submit, regarding full American control of the police in Panama.

Before stating the views desired by the Department of State, I take advantage of this opportunity to express the full accord with that Department on the part of the War Department in the view—

That should any control of the Panaman police be attempted by the American authorities it should be absolute in character, allowing a free hand to the American official who would be in charge of the American personnel and whatever Panaman personnel would seem best under the circumstances.

Since the receipt of the Department of State's letter of abovementioned date, I have conferred upon the subject with Major General George W. Goethals, Governor of the Panama Canal. I learned from him that prior to his recent departure from the Canal Zone he had three conferences with Señor Lefevre concerning the police situation in the terminal cities. The propositions made to him by Señor Lefevre were, apparently, the same as those reported in the dispatch from the American Minister to the Republic of Panama as having been made to him in conference with the same gentleman. General Goethals states that, after discussing the matter with the American

Minister, he informed Señor Lefevre that in his opinion the proposed arrangement would not work satisfactorily, and for the same reasons which apparently led to the view expressed in the Department of State's letter of the 7th instant to this Department.

General Goethals states that Señor Lefevre then suggested that the former assist him in securing the services of two Americans as instructors of police, one for Panama and one for Colon. He replied that he hesitated to recommend Americans, who would probably be placed in the same embarrassing position as were Colonel Clark and Major Helfert, both of whom had been recommended by the Department of State as instructors of the Panaman police, but who were given no authority over the police.

There appears to be a general concurrence of opinion on the part of the War Department officials in the Canal Zone that assured safety can be attained only by assuming complete police control of the two terminal cities under the terms of the existing treaty.

In transmitting these views to the War Department, Major General Wood (within the geographical limits of whose department the Canal Zone lies) recommended that, as a tentative and possible preliminary measure, the exact status and powers of the American military patrols in the cities of Colon and Panama be defined in agreement between this Government and that of the Republic of Panama. This recommendation was made in the hope that such an agreement might make unnecessary the more drastic step of assuming complete control under the terms of the treaty. I concurred in this recommendation and communicated the views of this Department to the Department of State in my letter of the 11th instant. I renew my recommendation conveyed in that letter in the hope that should a satisfactory agreement be entered into, it may be unnecessary to consider the question of more complete police control.

Very respectfully,

HENRY S. BRECKINRIDGE.

File No. 819.1052/46.

The Secretary of State to Minister Price.

No. 146.] DEPARTMENT OF STATE,
Washington, May 17, 1915.

SIR: In connection with previous correspondence relative to the police riots in Panama and Colon, during the months of February and April, of this year, there is transmitted herewith, for your information, a copy of a letter from the Department of War, dated May 11, 1915, regarding the uncertain status of the patrols maintained by the United States military authorities in Panama and Colon. The letter contains also the recommendation of the Commanding General, Eastern Department, that these patrols be placed upon a definite basis through an agreement between the United States and the Republic of Panama.

Your attention is especially called to the last paragraph of the letter and you are instructed to follow the suggestion contained therein, and, in conference with Major General George W. Goethals

and Brigadier General Clarence R. Edwards, to obtain their opinions as to the "exact powers and functions that should be vested in the military patrols." You will submit these opinions to the Department, which will, after full consideration, instruct you further in the matter.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 819.1052/46.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, May 17, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of May 11, 1915, relative to the uncertain status of the United States military patrols in Panama and Colon, in connection with the recent police riots in those cities.

In reply you are informed that due note has been taken of the recommendation by the Commanding General, Eastern Department, that the patrols in question be placed upon some recognized basis through an agreement between the United States and the Republic of Panama, in which recommendation you state the Department of War concurs.

In accordance with the suggestion contained in your letter, instructions have been sent the American Minister in Panama to confer with Major General George W. Goethals and Brigadier General Clarence R. Edwards, regarding the "exact powers and functions that should be vested in the military patrols" before the Government of Panama is approached relative to the concessions which will be necessary from it, in placing these patrols upon a definite basis.

I have [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 819.1052/47.

The Secretary of State to the Secretary of War.

DEPARTMENT OF STATE,
Washington, May 21, 1915.

SIR: I have the honor to acknowledge the receipt of your letter of May 15, 1915, in reply to my letter of May 7, 1915, containing a request for the views of the War Department regarding American control of the police in Panama.

The Department has noted with interest the contents of your letter, a copy of which has been forwarded to the American Minister in Panama, for his information, supplementing the instructions sent him on the basis of your letter of May 11, 1915, of which action you were informed in the Department's letter of May 17, 1915.

I have [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 819.1052/47.

The Secretary of State to Minister Price.

No. 149.] DEPARTMENT OF STATE,
Washington, May 21, 1915.

SIR: Supplementing despatch No. 146, of May 17, 1915, there is transmitted herewith, for your information, a copy of a letter from the Department of War, dated May 15, 1915, regarding American control of the police in Panama.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 819.1052/49.

Minister Price to the Secretary of State.

[Extract.]

No. 568.] AMERICAN LEGATION,
Panama, July 26, 1915.

SIR: Referring to the Department's instruction No. 146 of May 17 in which I was directed to obtain the opinions of Major General Geo. W. Goethals and Brigadier General Clarence R. Edwards as to the "exact powers and functions that should be vested in the military patrols" maintained by the United States military authorities in the cities of Panama and Colon, I have the honor to transmit a copy of a letter received from Brigadier General Edwards pursuant to my conference with him and to my letter asking for definite expression of his opinion.

I conferred, also with Major General Goethals about this matter after his recent return from the States and filed with him a letter referring to Department's instruction and requesting expression of his opinion in the same matter. Major General Goethals states to me that in the absence of farther reaching measures, such as taking over the policing of these cities, being authorized by the Department, he concurs in the expressions given by Brigadier General Edwards, a copy of the letter aforesaid having been submitted by the latter to the former, and that, being most busy with his annual report which he is attempting to finish before going to the States next week, he would ask that the said letter of Brigadier General Edwards be taken as his response in this matter, with the prefatory remark just above related.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Extract.]

General Edwards to Minister Price.

HEADQUARTERS UNITED STATES TROOPS,
PANAMA CANAL ZONE,
Ancon, C. Z., July 13, 1915.

MY DEAR MR. MINISTER: I have the honor to acknowledge the receipt of your letter of the 17th ult., and its enclosures relating to the question of reducing to definite written terms the functions and powers of the American soldier

patrols in the cities of Panama and Colon. I have conferred with Governor Goethals upon this question, and he concurs with me in the following:

That it is not advisable to attempt any definite written agreement as to the functions and powers of the patrols; the present status is as satisfactory as any can be, short of absolutely taking over the police and sanitation of the two cities. No amount of preexistent written terms can meet abnormal conditions in time of riot, and it is believed the present working arrangement is as fully efficacious in the prevention of riots and the stopping of them when started as would be any agreement in definite written terms. I might add, however, that in this General Goethals also agrees, that if you could secure from the Panaman Government the disarmament of the Panaman police of high-powered rifles, it would be an essential precaution and the strict enforcement of the law against carrying of weapons which now is the general practice would be most wise.

I consider it not inappropriate to add in this letter the following regarding the conditions that now obtain in Panama and Colon: After the riot in Panama on February 14, 1915, the American patrols in that city were increased in size and later a company of infantry was brought to Balboa for station and took up the duty of provost guard in the City of Panama. There were, of course, no quarters for these troops and they have been and are still living in tents.

A small provost guard has been maintained in the City of Colon by the company of Coast Artillery Corps stationed at Cristobal. By informal conferences with the Panaman officials, the authority of these patrols has been quite definitely fixed, and there has been now for several months an absence of friction.

The power possessed by those patrols is practically the power of arresting of all soldiers and also sailors, except in the case of felonies and serious crimes, and the turning over of the soldiers and sailors arrested to the military and naval authorities for trial. It is the purpose of the military authorities to allow felonies and serious crimes to be tried by Panaman courts, and also to allow arrests of soldiers and sailors by the Panaman police in cases of less serious offenses when the disturbance occurs in the absence of any members of the American patrols.

At present the courts of both countries, military as well as civil, are open and by arrangement ample notice is given by either Government in order that a representative of the other may be present at any trial. I consider it very necessary that this arrangement be continued and ask you to pardon a suggestion this matter be kept in mind in any conferences you may have at different times with the Panaman authorities.

I may also add that the sale of deleterious drugs in the Republic of Panama is a serious danger to Americans, civilian as well as soldiers. General Goethals informs me that he will forward a letter requesting that as drastic action as possible to prevent the sale of these drugs be taken by the President of Panama by proclamation, with an added request that the Panaman Government shall undertake its best offices to secure at the next meeting of its Legislature the passage of a bill as drastic as our recent act (December 17, 1914) protecting the people in this regard.

I may add that in my opinion the Panaman Government or the municipal authorities should provide adequate shelter to take care of the patrols when on actual duty in the cities of Panama and Colon. Perhaps a request from you might accomplish this.

Very respectfully,

C. R. EDWARDS,
Brigadier General, Commanding.

File No. 819.1052/49.

The Secretary of State to Minister Price.

DEPARTMENT OF STATE,
Washington, August 25, 1915.

SIR: The Department acknowledges the receipt of your despatch No. 568, dated July 26, 1915, with which you transmitted a copy of a letter from Brigadier General Edwards, in reply to your request for the opinions of Major General Goethals and Brigadier General Edwards as to the "exact powers and functions that should be vested

in the military patrols" maintained by the United States military authorities in the cities of Panama and Colon.

The Department notes that in the opinion of these officers it is not advisable to attempt any definite written agreement as to the functions and powers of these patrols, and that the present status is as satisfactory as any can be, short of taking over the policing and sanitation of the two cities in their entirety, by the American authorities.

The Department further notes in General Edwards' letter "that if you could secure from the Panaman Government the disarmament of the Panaman police of high-powered rifles, it would be an essential precaution and the strict enforcement of the law against carrying of weapons, which now is the general practice, would be most wise."

You are instructed to bring this matter to the attention of the Panaman Foreign Office, and to urge upon it the disarmament of its police personnel, and the strict enforcement of the law against carrying weapons, as suggested by General Edwards. You may communicate with the General, informing him of the reply of the Foreign Office to your representations.

I am [etc.]

ROBERT LANSING.

File No. 819.1052/51.

Minister Price to the Secretary of State.

[Extract.]

No. 648.] AMERICAN LEGATION,
Panama, October 16, 1915.

SIR: In compliance with the Department's instruction of August 25 last directing me to urge upon the Government of Panama the disarmament of the National Police of Panama of large arms, such as rifles, and the strict enforcement of the law against carrying concealed deadly weapons, I have the honor to report that I held several conferences with the Secretary of Foreign Affairs of Panama, in which he indicated that the request of the Department would be fulfilled. I transmitted a Foreign Office note in connection therewith, a copy of which accompanies this despatch. * * *

The practical carrying out of the disarmament of the police of Panama will require not only dispossessing them of the rifles, but, also, the disposal of said arms in a manner to preclude as near as possible their access to them, particularly in cases of outbreaks or riots such as have taken place. This would entail either the sale of them or their storage in a proper place and for us to be assured of good faith in the matter it would seem requisite that we have a representative to check up what was done with them. * * *

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary of State for Foreign Affairs.

No. 247.] AMERICAN LEGATION,
Panama, October 15, 1915.

EXCELLENCY: I have the honor to refer to our conferences upon the matter and in confirming same to present to your excellency's attention more formally, in justice not only to our military authorities most directly affected but also in justice to the subject both in the abstract and in the concrete, the following situation.

Within a period of a little over three years last past, three riots have taken place in the cities of Panama and Colon in which the National Police of Panama and American soldiers were most largely involved. As a result thereof one Spaniard and three Americans have been killed and a great many Americans wounded, some very seriously. The injuries on the other hand suffered by Panamans have been comparatively slight, and the only other person coming to his death was an alien bystander, who seems to have been shot accidentally. The two cities named are thickly populated in a closely built up area with nearly all of their streets and avenues very narrow.

In each of these riots American soldiers almost to a man have been unarmed. The National Police of Panama contrariwise have very largely been armed with high-power rifles in addition to small arms, and have not failed to use them recklessly in the narrow streets of these closely built cities.

It is believed not only by our military authorities but by others, also, who have had experience and observation entitling their opinions to much weight, that the equipment by the National Police of Panama with anything larger than small fire-arms, constitutes a continued menace and serves no good purpose whatever; that even in cases of large disturbances such equipment has been, and will continue to be, a factor bringing about increased tumult and resulting in extremes of violence and in no way aiding to restore peace and order.

As your excellency well knows, there has been no settlement of the matters and issues growing out of any one of the three riots referred to; not a single person has been prosecuted or even a prosecution begun against any individual in the courts of your excellency's Republic for the murders and wounds inflicted on my countrymen; and not a cent of indemnity has been paid as a result thereof, though credit is awarded to Panama to the extent that within recent weeks she has agreed to pay money indemnities on account of the riot of July 4, 1912, upon condition that the amount thereof should be named by an arbitrator.

I shall not rehearse here the vexations that my Government feels that it has been subjected to in its patient demands to obtain a fair and just settlement of these troubles and a promptness and energy of action on the part of your excellency's Government in the visitation of punishment upon those guilty in a manner sufficiently decisive and admonishing to have a restraining and beneficial effect throughout future years. I beg leave to refer, however, to the various notes to your excellency's Government by this Legation through the Foreign Office over which your excellency so worthily presides, having relation to the matters now adverted to.

The rights possessed by my Government under Article VII of the Canal Treaty of 1903, with reference to the maintenance of public order in said cities of your excellency's Republic, have not yet been exercised by my Government because it has preferred to show the utmost consideration at all times to your excellency's Republic and to afford it the fullest opportunity to exhibit good faith with reference to the matters spoken of. I may say to your excellency that in the opinion of many people my Government has already displayed a patience and forbearance far beyond what the amenities even of such a situation might seem to suggest.

While the settlement of matters growing out of said riots are still pending and in view of the fact that no one knows from past experience what day or night serious trouble may break forth again in these cities, I am instructed by my Government, pursuant to the recommendation of our military authorities, to request at the hands of your excellency's Government the disarmament, without further delay than necessary for the prompt accomplishment of such a purpose, of the National Police in said cities of all except small fire-arms in the shape of

pistols, and that any access by the said police to other than such small fire-arms be made as impossible as practicable. I am instructed further to make the additional request that energy and persistent watchful measures be carried out resulting in the strict enforcement of the law against carrying concealed deadly weapons by any one not authorized by law to carry them.

It may be well to say that this request on the part of my Government must not be construed in any sense to be any compromise of its right and authority possessed under the article of said treaty above named, nor as the slightest indication that my Government will not fully exercise its right and authority granted thereby and in accordance with its own judgment with reference thereto, if at any time, no matter how soon, it may appear to the judgment of my Government that the exercise of said right and authority should not longer be withheld.

While awaiting the response of your excellency with all interest

I avail [etc.]

WM. JENNINGS PRICE.

File No. 819.1052/52.

Minister Price to the Secretary of State.

No. 647.] AMERICAN LEGATION,
Panama, October 16, 1915.

SIR: Relating to the matter of the carrying of concealed deadly weapons in Panama, adverted to in another despatch of this date, I have the honor to enclose copies of letters passing between Brigadier General C. R. Edwards, military commander of the Canal Zone, and Señor Julio Arjona Q., the Mayor of Panama, regarding regulations with reference to this matter.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1.]

The Mayor of Panama to General Edwards.

CITY OF PANAMA, *September 4, 1915.*

MY DEAR FRIEND: In accordance with a memorandum that was put into my hands by my friend Capt. Coleman, who had been talking to Señor Estripeaut, Chief of Police. I now, as before, reiterate to you and your agent. I have newly given orders for the terminating of carrying arms by people visiting Cocoa Grove. The licenses that have been given by the Alcalde to carry weapons such as revolvers, have been given in favor of owners of establishments who are of high standing in the cited district.

He has also given permission to some politicians, such as Dr. Mendoza, Dr. Filos, Dr. Agustin Argote, Mr. Turner, and to some other persons in exceptional cases, and moreover some of these parties are in the service of the Government. I wish to call your attention to the fact that I am an impartial Mayor. Some people, in all parts of the world, carry arms with malicious intent. Never have I given nor never will I give permission to carry arms of any description, since I am of the opinion that these elements are a menace to society. To carry razors, knives or daggers is not a practice in this District, nor have I given permission during my administration for the carrying of such weapons.

Your letter to me to establish greater vigilance in this respect, and which has been said before, the Chief of Police has offered to redouble the vigilance to help me remedy these points.

With relation to the stationing of the military police in the district of Cocoa Grove, the suffering humanity will continue unless a better assignment of the patrols can be made, which I cited to Captain Coleman yesterday, and if we can agree upon a place to lodge the patrols, to be paid for by the Panaman Government, the patrols will be more efficient in the district of Cocoa Grove, and more in harmony with the police of Santa Ana, established for service in the same district. The desired results will be obtained which we all wish, and which will prevent disturbances that might bring lamentable consequences.

God grant, dear General, that these things will contribute to a better understanding between the authorities of the United States, the Canal Zone and the Panamans, which has always been my earnest desire in the execution of my office as Mayor of the District of Panama.

I reiterate [etc.]

JULIO ARJONA Q.

[Inclosure 2—Translation.]

The Mayor of Panama to the Chief of Police.

PANAMA, *September 4, 1915.*

GREETINGS: Reiterating my previous statements relative to the registration and confiscation of arms, without any consideration of class, of the inhabitants of Cocoa Grove, I add that the same applies to the police not in uniform, and to all others in the said district not in the service. You know that the Mayor has given certain individuals, owners of highly respectable establishments, permission to carry revolvers in order to protect their places from scandal. The same has been granted to some few responsible persons, such as politicians, not a menace to society. The Alcalde has never given permission to carry revolvers to persons who are known bad characters nor has permission ever been granted to carry razors, daggers or knives; this appears on the books of the township.

You will take the necessary action through your agents to confiscate the above-mentioned arms in order to prevent scandal and lamentable consequences. I trust in the zeal and fidelity with which you have always distinguished yourself in the exercise of your delicate duties.

With my expression of very deep appreciation,

I am [etc.]

JULIO ARJONA Q.

[Inclosure 3.]

General Edwards to the Mayor of Panama.

HEADQUARTERS UNITED STATES TROOPS,
PANAMA CANAL ZONE,
Ancon, C. Z., September 10, 1915.

MY DEAR ALCALDE: I received with pleasure your communication of the 4th instant. I have always been of the opinion that the carrying of concealed weapons is a detriment to the peace of society. Exceptions should rarely be made. I am glad to find that our views coincide.

With my sincere good wishes and trusting peaceable conditions may continue to prevail,

I am [etc.]

C. R. EDWARDS.

File No. 819.1052/53.

Minister Price to the Secretary of State.

No. 658.] AMERICAN LEGATION,
Panama, October 29, 1915.

SIR: Referring to my despatch No. 648 of October 16, I have the honor to transmit a copy of a letter from Major General George W. Goethals, Governor of the Panama Canal, in response to a request of mine for such suggestions as he might be willing to make with reference to the practical manner for putting into effect our demands herein. I knew that a quantity of arms, in use, I think, before Panama became a Republic, were kept stored by the Canal authorities for several years. Same, consisting of old and out of date fire arms, were returned to Panama last year sometime, when they were disposed of at auction sale to a merchant here at quite a small sum.

General Leonidas Pretelt, former Chief of Police here, tells me that the Republic of Panama owns about 3000 rifles, of which 1300 are here in the city of Panama and 250 in the city of Colon. He states that they are kept in police headquarters and that 800 of those in this city and 250 in Colon are an older make of rifle and that 500 of those in this capital are of a most modern pattern.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Governor Goethals to Minister Price.

THE PANAMA CANAL, CANAL ZONE,
EXECUTIVE DEPARTMENT,
Balboa Heights, October 25, 1915.

SIR: I have the honor to acknowledge the receipt of your note No. 567, dated October 19, 1915, with reference to disarming the National Police force of the Republic of Panama in the cities of Panama and Colon, of their high-power rifles, and the strict enforcement of the law governing the carrying of concealed deadly weapons. In response to your request I desire to submit for your consideration the following recommendations in the premises:

1. That a committee of two be appointed, one to be designated by the Governor of the Panama Canal and the other by the President of the Republic of Panama, or their representatives, to check the records of the Panaman authorities relative to the number and location of said rifles and the ammunition for same, and also to supervise their collection and shipment to a designated storehouse or building.

2. That the rifles and ammunition be stored in a building over which the Canal Zone Government exercises control.

3. That an employee of the Supply Department be designated to act for the Canal Zone Government.

4. That any high-power rifles in the possession of the prison guards be replaced with shot-guns.

5. That a copy of the Executive Order No. 68, under date of November 7, 1913, relative to the regulations for carrying firearms, be furnished the Panaman authorities, with the request that similar regulations be adopted by them, with a view of breaking up the general practice of carrying firearms by the public at large in the Republic of Panama.

Respectfully,

GEO. W. GOETHALS.

File No. 819.1052/51.

The Secretary of State to Minister Price.

No. 201.] DEPARTMENT OF STATE,
Washington, November 5, 1915.

SIR: The Department has received your No. 648, of the 16th ultimo, in which you report that you have held several conferences with the Secretary of Foreign Affairs of Panama regarding the suggested disarmament of the national police of Panama of large arms, such as rifles, and the strict enforcement of the law against the carrying of concealed deadly weapons, and forward a copy of the note which you addressed to the Foreign Office regarding the matter.

The Department will await the receipt of the reply which may be made to your note by the Panama Foreign Office before further instructing you in the case.

The Department notes your comment that, in order to dispose of the rifles referred to above to prevent further access to them by

the police, they should be sold or stored in a proper place where this Government could be assured that they would be kept in good faith. The Department is inclined to the opinion that the rifles should be sold. It will, however, be glad to have you discuss this matter with the Canal Zone authorities and then report further concerning it.

I am [etc.]

For the Secretary of State:
FRANK L. POLK.

File No. 819.1052/55.

Minister Price to the Secretary of State.

No. 680.] AMERICAN LEGATION,
Panama, November 17, 1915.

SIR: I have the honor to transmit a copy of a note and its translation received day before yesterday from the Panaman Foreign Office in response to my late note in reference to the disarmament of the National Police of Panama in the cities of Panama and Colon of large arms.

I have not yet had the opportunity of conferring with Governor Goethals and General Edwards regarding this note, but will do so promptly.

In a conversation with Señor Lefevre a few days prior to transmission of the note he indicated that we might come and get the rifles, if we insisted, but that no voluntary compliance with our request would be forthcoming.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Minister for Foreign Affairs to Minister Price.

No. S–8358.] FOREIGN OFFICE,
Panama, November 12, 1915.

MR. MINISTER: In due course the polite note of your excellency, No. 247, of October 15, was received in this office, in which, after various considerations on the riots occurring in the cities of Panama and Colon between American citizens and Panamans or nationals of other countries in which the Panaman police intervened, and on the results of the riots, your excellency affirms that in the riots the police were armed with high-powered rifles in addition to small arms, and you conclude requesting from the Government of Panama the disarmament, with as little delay as possible, of the National Police stationed in the two cities, with the exception of the small arms in the form of pistols; and that the police may be prevented in any way possible from having access to any arms which are not of the last category. Your excellency also requests that energetic and persistent means of vigilance may be taken in order that the law may be strictly observed which prohibits the bearing of fire arms by people who are not authorized by law.

This communication was sent to the Secretary of Government and Justice, who states to me he supposes your excellency in making the request contained therein, thinks that our police generally use rifles in its service, and that they intervened with them in the riots which occurred between individuals, or that in such use there has sometimes been disastrous results, which were not justified or which should have been avoided; since otherwise it would be strange to suggest a measure already adopted as suitable and necessary, as I have verbally told your excellency.

At any rate the Secretary tells me that I may communicate to your excellency the complete assurance that the police will not use these rifles in municipal service, since they are its emblem in military use only; and that they will not be permitted, for any reason, to use this class of arms to establish order in the riots or fights which arise between individuals and much less when in these riots American soldiers off duty take part within the cities of Panama and Colon.

The Government is at present giving efficient civic instruction to the police force with the strictest discipline, so as to avoid at all cost the occurrences of events on which just claims of the American Government or any other government may be founded. Efficient measures have been taken to avoid all disturbances occasioned by drunkenness on national holidays, and orders that rifles be made inaccessible to the police who take part in stopping fights or riots will be most rigorously put into force.

As a result of the energetic and wise measures carried out up to now, the quiet in which the national holidays passed this year is evidence, and we are sure that the persistent application of these preventive police measures will maintain the greatest tranquility even on occasions that natually draw crowds to the places of amusement.

As the Panama Government eliminated the military a few years ago, it is the duty of the police to receive military instruction in the handling of arms, in monthly parades for review, and in the official ceremonies on national holidays. Further, the police in the necessary military service acts as guard of honor in the Palace of the President of the Republic, and as guard in the principal jail in this city and in Colon, the same as the prison guards do, and in the custody of the prisoners on public works, in all of which the carrying of rifles is necessary as a suitable arm for these duties. In the secondary jails of both cities there is used and kept for use only a gun with bayonet with which the sentinel does his duty.

Relating to the prohibition of carrying arms by people not authorized by law, the Secretary of Government and Justice tells me that he has given to the mayors of the districts of Panama and Colon, who are the officials giving out such permits, an order that they shall cancel the permits already given out and shall abstain from giving out in future permits to people who do not enjoy good reputations, showing due care to take away the arms carried by people not authorized by law, as your excellency indicates. This measure has its basis in our laws.

Concerning the reference which your excellency makes to the rights which the United States of America possess in accordance with Article VII of the Canal Treaty of 1903, I must say that my Government does not give to that article the interpretation that your excellency appears to give to it. This is a point which we consider should be cleared up and for that reason I intend to address myself later to your excellency about it.

I take [etc.]

E. T. LEFEVRE.

File No. 819.1052/53.

The Secretary of State to Minister Price.

No. 205.] DEPARTMENT OF STATE,
Washington, November 19, 1915.

SIR: The Department has received your No. 658, of the 29th ultimo, with which you enclose a copy of a letter from the Governor of the Panama Canal regarding the action to be taken in the event that it is agreed to disarm the national police force of Panama of large arms and strictly enforce the law against carrying concealed deadly weapons.

In reply I have to refer you to the Department's instruction No. 201 of the 5th instant, and to say that if the reply of the Secretary of State for Foreign Affairs of Panama is favorable you may proceed to obtain the concurrence of the Government of Panama in Governor Goethals' plan for the safe-keeping of the rifles of the Panama Police, in the event that the Government of Panama should

be unwilling to sell them as suggested in the Department's instruction above mentioned.

I am [etc.]

ROBERT LANSING.

File No. 819.1052/54.

Minister Price to the Secretary of State.

[Telegram—Extract.]

AMERICAN LEGATION,
Panama, November 24, 1915.

Supplementing my despatch 680 of October 17. Minister for Foreign Affairs in a conversation declares that they will refuse to either sell or deliver to us the police rifles, claiming they have given sufficiently strict orders to preclude their use again in riots.

PRICE.

File No. 819.1052/56.

Minister Price to the Secretary of State.

[Extract.]

No. 699.] AMERICAN LEGATION,
Panama, December 1, 1915.

SIR: Referring to the Department's instruction No. 201 of November 5 and my cablegram of November 24, relating to the disarmament of the National Police of Panama of large arms and the strict enforcement against the carrying of concealed deadly weapons, I have the honor to report further upon said subject.

Preceding and since the receipt of the note from the Secretary of Foreign Affairs of Panama, which was communicated to the Department by my despatch No. 680 of November 17, I held several conferences with Señor Lefevre, by which I attempted to get him into a conciliatory mood regarding this matter and to accomplish the disarmament aforesaid with as little friction as possible. In the first conferences Señor Lefevre repeated largely the arguments indulged in in his note, insisting that the orders given the police would absolutely prevent the use of the rifles in another riot, if one should ever occur, and declaring that he himself was taking a direct interest in the management of the police, which would bring about a discipline and a situation that could not but be satisfactory to us. On the day I sent the cablegram above mentioned, Señor Lefevre went much further than he had ever done in stating Panama's attitude, declaring that they would refuse either to sell or to deliver up the rifles.

In a conference with Señor Lefevre on Monday of this week he went beyond the line of arguments mentioned. Expressing the desire that I hear from the Department of State before making, at least, another formal demand for the disarmament, and that I not act upon requests of representatives of the War Department or the Army more generally stated, Señor Lefevre stated that he expected to call a meeting of representative Panamans of all political affiliations, if another formal demand were made, and lay before them our demands; that he felt that Panama was being im-

posed upon: that little by little their sovereignty was being usurped or appropriated by our Government; that if their dignity and rights would not be respected they would better yield up to superior power their entity as a government and make known their cause to the world: that they had given up their army several years ago and that the bearing of larger arms by their police was the only symbol of the military retained by them; that he did not suppose we would claim the right to forbid them to organize a small military force or army, who could carry rifles, if they should be taken from the police: that the attitude of their political opponents and the capital they might make of it should be taken into consideration by us, if they should yield to our demands; that Panama was willing to submit this matter and other important matters pending between our respective Governments to representatives of the A. B. C. Alliance for arbitration or determination. Perhaps other more incidental and unimportant observations and declarations were also indulged in by him which do not occur to me at present.

He remarked that he expected among other definite reforms to have at an early date an American instructor for their police. I know that he had been conferring with Canal Zone policeman McIntyre to this end, but believe that it is for the purpose of attempting to satisfy us short of carrying through the disarmament.

I did not fail to reply to these expressions of Señor Lefevre as tactfully and pleasantly, as I knew how.

I told him, of course, that, while the army and our military forces next door were primarily interested in the proper solution of the numerous troubles and continuing threatening danger incident to the situation now existing for a long time with their police force, resulting in the killing and wounding of unarmed American soldiers and some civilians, I, of course, acted only upon authority of the Department of State. I said to him among other things that it was my information that their political opponents considered favorably the proposition of their police giving up their arms; that this request on the part of my Government had seemed so considerate and reasonable in view of much larger and farther reaching rights and powers given us by our treaty with Panama that his attitude in this matter could hardly be deemed other than surprising and most unreasonable; that my Government was willing for the world to know in detail at any time of the record made between our respective Governments in their dealings with each other, confident of the judgment formed that the United States had ever been more than considerate, just and fair; that it had been magnanimous; that the suggestion of submission to the A. B. C. Alliance or any other power or powers of the exercise of rights so clearly and definitely granted my Government in a treaty of such recent date and for which such full consideration had been paid was, in my opinion, as unworthy of serious consideration as it was subject to the suspicion of not being made with serious intention.

I herewith transmit copies of letters from Major General Geo. W. Goethals and Brigadier General C. R. Edwards pursuant to my submission to them of copies of Señor Lefevre's recent note, and a report of his observation indulged in.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1—Extract.]

Governor Goethals to Minister Price.

THE PANAMA CANAL,
Canal Zone, November 24, 1915.

SIR: I beg to acknowledge the receipt of your letter of the 19th instant, relative to the disarmament of the police of Panama, and can only state that I believe that this requirement should be enforced.

With reference to Señor Lefevre's note, it is well known that the Panaman police on regular patrol duty are not armed with rifles, but in the case of emergency calls received at the central stations, to which the reserve respond, such as fire-alarms, riots, etc., the reserve responding is always equipped with rifles and bayonets, and for that purpose there is a stand of arms near the assembly room of central stations where the reserves remain during their tours of duty, and during the riots in the past these rifles have been used by the reserve responding to the emergency call. Notwithstanding Señor Lefevre's vague reference to an order prohibiting the use of rifles by the police, the Canal Zone Chief of Police reports that the regulation under which the reserves arm themselves with rifles and bayonets was still in force on Saturday last, and that on that date the stock of rifles not in actual use was also stored in the central stations. It is not necessary for the Panaman police to receive military instructions in the use of rifles, nor is the use of rifles in guarding prisoners as efficient, judging from our experience, as the use of shotguns.

In regard to the prohibition against the indiscriminate carrying of fire arms, there is a law in effect regulating such practice, and it only requires enforcement of the law to secure the results desired. There appears to be no law regulating the sale of fire arms in the Republic of Panama, and such a law, if enforced, would materially assist in preventing the carrying of fire arms by the public at large.

Respectfully,

GEO. W. GOETHALS.

[Inclosure 2—Extract.]

General Edwards to Minister Price.

HEADQUARTERS UNITED STATES TROOPS,
Panama Canal Zone, Ancon, Nov. 27, 1915.

MY DEAR MR. MINISTER: I have the honor to acknowledge the receipt of your favor of the 19th inst. and its enclosure, which latter is signed by Señor E. T. Lefevre, Secretary of State, Republic of Panama, and relates to the disarmament of the Panaman Police of high-powered rifles.

I notice three main points in Señor Lefevre's letter, as follows:

1st. That the police will not use high-powered rifles in order to quell riots, but the authorities do not consent to disarmament, since the police force constitutes the only armed body in the Republic that partakes in any way of a military force: thereby, I take it, making the point that the Panaman nation can not consent to the disarmament of its national army.

2nd. That orders have been given to the two Mayors of Panama and Colon to be careful in regard to the issuance of permits to individuals to carry fire-arms.

3rd. That the Panaman Government does not admit our interpretation of our rights under Section 7 of the treaty to be correct, and that the Secretary of State will address you later on the subject.

In regard to the first point, namely, disarmament, I am inclined to believe that the stated assurance that high-powered rifles will not be used in riots will amount to but little in time of trouble. What I particularly desired was that arms should be so secured that under conditions such as have obtained in recent riots by no possibility could they be procured. The fact that no riots have recently taken place is due in no manner to the actions of the police but results simply from the presence of an efficient United States provost guard. I feel that the agreement not to use the rifles will not stand in face of a riot and, with our provost guard maintained as it is, the next riot will be particularly bloody.

In regard to the issuance of fire-arms to individuals, the indicated action, even were the Mayors of the two cities energetic in seeking to carry out the

spirit of the mentioned instructions, will in my opinion amount to little betterment. I believe that anything less than total inhibition is a mistake.

As to the non-concurrence in our interpretation as to our power under the treaty I am not surprised.

I note that you suggest a conference in regard to this matter and also mentioned it in your later letter of November 24. I will be pleased to talk the matter over with you at your convenience.

Very sincerely,

C. R. EDWARDS.

File No. 819.1052/57.

Minister Price to the Secretary of State.

No. 707.] AMERICAN LEGATION,
Panama, December 7, 1915.

SIR: Supplementing my despatch No. 699 of December 1, relating to the disarmament of the National Police of Panama of large arms, I have the honor to report that in the course of my visit to the Panaman Foreign Office this afternoon in company with Captain Oliver Edwards, whom I presented as the representative of our military authorities in the further investigation of the late riots in the cities of Colon and Panama, I took up again with Señor Lefevre in the presence of Captain Edwards the matter of the disarmament aforesaid, requesting that the arms might be delivered up forthwith.

Señor Lefevre replied that I had not yet answered his last note (the one communicated to the Department with my despatch No. 680 of November 17). I stated to him that my note to which his was a reply was sufficiently clear and definite in its terms, in my opinion, to render a reply to his note really unnecessary. He then indulged at some length in a number of arguments heretofore used and reported to the Department, adding one to the effect that the rifles and certain military instruction of their police were both necessary for use at least in the outlying provinces in cases of insurrection or violence there, to quell which they would not feel like calling upon our military authorities. I replied that we were not asking for the disarmament except in the cities of Panama and Colon, and Captain Edwards offered the suggestion from General Edwards that the rifles might be held in storage along with reserve arms of our military in the Canal Zone for redelivery for Panama's use in the event that we or they should become involved in war with a foreign power.

No definite statement was obtainable from Señor Lefevre and, of course, while awaiting instructions from the Department herein, as directed to do by the Department's instruction No. 201 of November 5, I am unauthorized to present our demands in a more formal or emphatic way than I have done.

I feel quite convinced that if the Department will authorize a firm and unconditional demand to be made with all emphasis for the rifles, accompanied, if seeming necessary, by the threat to exercise on our part much farther reaching rights under the Canal Treaty, such as taking over their police force in these cities in the event of their refusal to give up the arms, Panama will yield.

I have [etc.]

WM. JENNINGS PRICE.

File No. 819.1052/58.

Chargé Spencer to the Secretary of State.

No. 746.] AMERICAN LEGATION,
Panama, December 28, 1915.

SIR: Complying with the Department's instruction to obtain and report the views of Governor Goethals and General Edwards regarding the recent note of Señor Lefevre concerning the disarmament of the Panaman police, I have the honor to herewith enclose copies of my letters in this sense to Governor Goethals and General Edwards and also a copy of a reply thereto received this morning from General Edwards.

It will be noticed from the enclosed reply of General Edwards that he states "my views upon this matter are expressed in my letter of the 27th ultimo." I beg to state that a copy of this letter was sent by Minister Price to the Department in despatch No. 699 under date of December 1 last.

I am not as yet in receipt of a reply from Governor Goethals to my note of December 20.

I have [etc.]

WILLING SPENCER.

[Inclosure 1.]

Chargé Spencer to General Edwards.[14]

No. 637.] AMERICAN LEGATION,
Panama, December 20, 1915.

SIR: With reference to the letters to you from Minister Price, under date of October 19 and November 19 last, with their enclosures, regarding the disarmament of the National Police of Panama of large arms, I have the honor to inform you that I am in receipt of an instruction from the Department of State informing me that before giving further instructions in the matter they wish me to obtain and report your views regarding Señor Lefevre's note, "particularly as to the claim made by him that the police are now forbidden to make use of large arms in suppressing disturbances in the cities of Panama and Colon." This note referred to was sent by Mr. Price as an enclosure in his letter, No. 601 of November 19, 1915, and I shall be glad to transmit any reply you may care to make or any suggestions you might offer.

I am [etc.]

WILLING SPENCER.

[Inclosure 2.]

General Edwards to Chargé Spencer.

HEADQUARTERS UNITED STATES TROOPS,
PANAMA CANAL ZONE,
Ancon, C. Z., December 27, 1915.

SIR: I have the honor to acknowledge receipt of your letter of the 20th instant in which you request my views as to the attitude we should assume upon the question of the disarmament of high-powered rifles and the Panaman Police in view of Señor Lefevre's claim that the police are now forbidden to make use of these high-powered rifles in suppressing disturbances in the cities of Panama and Colon. My views upon this matter are expressed in my letter of the 27th ultimo in answer to Mr. Price's letter of the 19th ultimo. In Señor

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[14] The same to General Goethals, except the number, 638, and the number of the letter referred to, 602.

Lefevre's letter to Mr. Price great stress was laid upon the fact that the police constituted the only armed force of the Panama Government. I consider the objection to disarmament on the ground that the police constitute a quasi military force of the Republic of Panama a stronger argument against disarmament than the promise not to use the rifles in times of disturbance. Again, the Panama Government even if it were wise could not afford to have a military force. My idea is to say that the Commanding General has a large supply of small arms in magazine for emergency use to arm civilians, but not enough, and to suggest that their rifles be turned over to him to store for such an emergency to arm Panamans.

Very sincerely,

C. R. EDWARDS.

PAYMENT BY PANAMA OF AN INDEMNITY FOR THE DEATH OF WILLIAM T. HARRINGTON, AN AMERICAN CITIZEN, DUE TO TORTURE IN PRISON.

File No. 419.11H23/21.

The Secretary of State to Minister Dodge.

No. 107.] DEPARTMENT OF STATE,
Washington, March 3, 1913.

SIR: Referring to your Legation's No. 74, of January 30, 1911,[10] in which was enclosed a copy of the report of the investigation held by the Panaman Government of the treatment of William T. Harrington, an American citizen, while he was serving a sentence imposed upon him in April, 1910, by the Panaman authorities for the larceny of a bottle of ginger ale, the Department desires to say that this Government has caused to be made a careful investigation of Mr. Harrington's case, with the result that it appears to be clearly established by trustworthy evidence that he was grievously tortured by the Panaman prison authorities by means of such a confinement in stocks and exposure to the tropical sun as resulted in his distressing physical condition at the time of his release June 2, 1910, when he came under the care of the Canal Zone medical officers. The testimony of these officers is to the effect that Mr. Harrington was then not able to walk unassisted from the dock to the dispensary at Porto Bello, a distance of about 400 feet, owing to the condition of his legs, which were greatly swollen and inflamed from knees to ankles and bore open wounds as well as well-marked depressed areas about 2½ inches wide all around. Mr. Harrington was at this time also suffering with dementia, a condition which in the opinion of the examining board could have been and probably was caused by the privation and treatment received while in the convict camp. While he was under treatment at Colon Hospital he was laboring under the delusion that he was still confined in stocks, according to testimony of the chief of the surgical clinic at Colon Hospital who states that he "several times heard the man scream 'Take me out,' 'Take me out of the stocks' * * * He repeatedly cried that the stocks were hurting his legs."

In respect to the death of Mr. Harrington, which took place at the hospital in the month of September following his release from imprisonment, it should be stated that the investigation of the case has

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[10] Not printed.

not conclusively established the claim that his death was caused by the maltreatment above complained of. However, the medical testimony taken by the examining board indicates that the maltreatment of Mr. Harrington probably had an important casual influence in at least hastening his death. In this connection it is to be observed that when Harrington was given a physcal examination on April 20, 1910, two days prior to his arrest, the examining Canal Zone physician at Culebra found him to be an average physical man capable of doing the work of a machinist.

The widow of Harrington, Mrs. William T. Harrington of San Francisco, an American citizen, has filed with the Department a claim against the Government of Panama for $50,000 as an indemnity for the injuries suffered by her husband at the hands of the Panaman police authorities.

While this Department is not disposed to demand the sum claimed by Mrs. Harrington, it does feel that a substantial sum should be paid her. From the testimony before the Department, Mr. Harrington appears to have been an efficient marine engineer. He was at the time of his arrest employed by the Isthmian Canal Commission as a machinist at the wages of 65¢ gold per hour.

You will present the case as stated above to the Foreign Office and say that the Department has confidence that the matter will receive sympathetic and equitable action.

The Department also directs your attention to another aspect of this affair. Reference is made to the Department's instructions[15] Nos. 123 [125] of October 23, 1908, and 189 of June 24, 1909, relative to the police control of Panama and Colon and the territories and harbors adjacent thereto, and the possibility that this Government might feel it incumbent upon the United States to assume such control. The fact of the reinstatement in the Panaman police of certain police officers who were guilty of brutalities towards Americans in the U. S. S. *Buffalo* case suggests that similar reinstatements may have taken place in other cases where Panaman police have been dismissed for exceeding their authority by maltreating American citizens. You will discover, if possible, whether the officers guilty in the Harrington and Harrison cases (see enclosure in Mr. Marsh's No. 34 of August 10, 1910) have been reinstated and whether like action has been taken in any other such cases that may appear in the records of the Legation. Should it transpire that any such reinstatements have been effected, you will bring the instances to the attention of the Foreign Office and state that it is the expectation of this Government that steps will be taken by Panama to render such notices unnecessary in the future.

In presenting the Harrington case you will say that however possible it may be in some cases to make proper use of stocks for restraint of prisoners, it is incontrovertible that they can be, and in the Harrington case have been, made an instrument of torture, and that therefore this Government will not permit its citizens to be subjected to this treatment.

I am [etc.]

P. C. KNOX.

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[15] For. Rel. 1909, pp. 474 and 485, respectively.

File No. 419.11H23/23.

Minister Dodge to the Secretary of State.

No. 432.] AMERICAN LEGATION,
Panama, May 1, 1913.

SIR: I have the honor to acknowledge the receipt of the Department's instruction No. 107 of March 3 last, relative to [etc.], and to inform you that on March 14, the day following its receipt, I addressed a communication to Señor Lefevre, Minister for Foreign Affairs, presenting this case to him as stated in the Department's instruction. I have subsequently referred to it to Señor Lefevre on several occasions and although he has now promised that I will shortly receive his reply, I have not as yet received it.

Regarding the other aspect of this matter, namely as to whether any of the policemen guilty in this case, that of S. H. Harrison or the U. S. S. *Buffalo* case may possibly have been reinstated in the police, I immediately made a thorough investigation with the assistance of the Canal Zone police. The result of this investigation is that none of the policemen dismissed for exceeding their authority by maltreating American citizens in these cases are now serving in the Panaman police. The present employment of these men, so far as has been ascertained, is the following:

1. Police Lieutenant Luis Hernandez, dismissed in connection with the William T. Harrington case: now employed as a trader on the San Blas coast;

2. Policeman No. 125, dismissed in connection with the S. H. Harrison case; name not definitely ascertained but probably "Rodriguez"; whereabouts unknown but certainly not in police;

3. Policemen Paulino Macias, Abelardo Bustos, Indalecio Franco, Emilio Linares and Faustino Alverado, all dismissed in connection with the U. S. S. *Buffalo* case, three of whom I reported to have been reinstated, were subsequently again dismissed at the request of the Department; the first now employed in the office of the Minister for Public Works at Panama; the second, whereabouts unknown but not in the police; the third employed in the saloon "Flor Español," Panama; the fourth employed by Pinel Brothers, Panama; and the fifth employed by Brandon Brothers, Panama.

So far as I have been able to ascertain the three cases above mentioned are the only ones in which policemen have been dismissed for maltreating Americans.

I have [etc.]

H. PERCIVAL DODGE.

[Inclosure.]

Minister Dodge to the Secretary for Foreign Relation.

No. 307.] AMERICAN LEGATION,
Panama, March 14, 1913.

EXCELLENCY: My Government instructs me to refer to the esteemed communication of your excellency's predecessor, Señor don Federico Boyd, No. 330, dated January 20, 1911, in which was enclosed a copy of the investigation held by the Panaman Government regarding the treatment of Mr. William T. Harrington, an American citizen, while he was serving a sentence imposed upon him in April, 1910, by the Panaman authorities for the larceny of a bottle of

ginger ale, and in this connection desires me to say that it has caused to be made a careful investigation of Mr. Harrington's case, [and so on, in the language of instruction No. 107 of March 3, to the paragraph ending "wages of 65¢ gold per hour."]

In presenting this case to your excellency my Government instructs me to say that it has confidence that the matter will receive sympathetic and equitable action and that however possible it may be in some cases to make proper use of stocks for the restraint of prisoners, it is incontrovertible that they can be, and in the Harrington case have been made an instrument of torture, and that therefore my Government will not permit its citizens to be subjected to this treatment.

I avail [etc.]

H. PERCIVAL DODGE.

File No. 419.11H23/23.

The Secretary of State to Minister Dodge.

No. 139.] DEPARTMENT OF STATE,
Panama, May 22, 1913.

SIR: The Department has received your No. 432 of May 1, 1913, replying to its instruction No. 107 of March 3 last, regarding the treatment of William T. Harrington, an American citizen, while serving a sentence imposed upon him in April, 1910, by the Panaman authorities.

In the event that you do not soon receive from the Panaman Foreign Office a reply to your note, you will again bring the Harrington case to its attention.

I am [etc.]

For the Secretary of State:
J. B. MOORE.

File No. 419.11H23/25.

Minister Dodge to the Secretary of State.

No. 458.] AMERICAN LEGATION,
Panama, June 4, 1913.

SIR: I have the honor to acknowledge the receipt of your instruction No. 139 of the 22nd ultimo, regarding [etc.], and to inform you that since addressing, on March 14 last, my note to Señor Lefevre, Minister for Foreign Affairs, I have brought this matter verbally to his attention on numerous occasions requesting that a reply to my note be expedited as much as possible. Señor Lefevre has always informed me that he was doing everything possible to this end and that I should receive a reply in a few days. As, however, no reply has yet been received, I have now addressed a second note to him formally requesting that the matter may be expedited as much as possible.

I have [etc.]

H. PERCIVAL DODGE.

File No. 419.11H23/25.

The Secretary of State to Chargé Wicker.

No. 145.] DEPARTMENT OF STATE,
Washington, June 20, 1913.

SIR: The Department has received Mr. Dodge's No. 458 of the 4th instant, reporting on the status of the case growing out of the treat-

ment accorded to William T. Harrington, an American citizen, while serving a sentence imposed upon him in April 1910.

In the event that an answer to Mr. Dodge's last note shall not have been received by the Legation within a short time, you will address to the Foreign Office another and more urgent note.

I am [etc.]

For the Secretary of State:
J. B. MOORE.

File No. 419.11H23/29.

Chargé Wicker to the Secretary of State.

No. 507.] AMERICAN LEGATION,
Panama, September 26, 1913.

SIR: With reference to your instruction No. 145 of June 20, 1913, and to previous correspondence with regard to the case growing out of the treatment accorded William T. Harrington, [etc.], I have the honor to inform you that I have received, under date of September 20, 1913, in response to my repeated requests for a report upon this matter from the Panaman Government, a note No. S–2105 from the Minister for Foreign Affairs giving the results of the investigations made by the Government of Panama with regard to this claim, a copy of which, with its translation, I have the honor to enclose herewith.

It will be noted that as stated in Señor Lefevre's note the evidence collected by the two Governments does not agree, and the question appears to have produced conflicting testimony with regard to the extent of the punishment inflicted upon Harrington by Lieutenant Hernandez, who was in charge of the prisoners at Porto Bello, as well as with regard to the mental condition of Harrington previous to his arrest. Emphasis is laid by Señor Lefevre upon the fact that the testimony given in behalf of the Panaman Government is corroborated by the sworn statements of Panamans and also of two American citizens. The note closes with a request that the Government of the United States, after having received the information given in the present note, may desist from demanding of the Panaman Government any indemnity whatever for the death of the American citizen, William T. Harrington.

I have [etc.]

CYRUS F. WICKER.

[Inclosure—Translation.]

The Secretary for Foreign Affairs to Chargé Wicker.

No. S–2105.] FOREIGN OFFICE.
Panama, September 20, 1913.

SIR: Owing to the investigations which this office conducted concerning the claim contained in the note No. 307 of March 14 last, addressed to the undersigned by Mr. H. Percival Dodge, ex-Minister of the United States, I have been somewhat delayed in making reply to that note. I hasten to do so to-day, after having carefully studied each one of the records of the proceedings of investigation made by the Panaman and American Governments, in connection with this unpleasant case.

I have to inform you, first of all, that the evidence collected by the two Governments does not agree. The investigation made by the American authorities

finds that William T. Harrington, respecting whom the claim is made, was cruelly maltreated by Panaman police officers stationed at Portó Bello and was placed in the stocks, in consequence of which he lost his reason and died in the hospital raving about the instrument of torture applied to him But the investigation made by the Panaman Government proves everything to the contrary; that is, that Harrington—already demented when he came to Porto Bello—always did as he pleased in jail and outside thereof with the knowledge and permission of the police officers who guarded him; that he never worked, because he did not want to; that he was rude toward the guards and that, on a certain occasion when the Panaman Lieutenant of Police Luis Hernandez wanted to compel Harrington to occupy himself in some useful task, the latter vilely insulted him, whereupon Lieutenant Hernandez in his obligation of having the dignity of authority respected, took a small thin rod or switch and with it lightly punished Harrington, who was also placed in the stocks for a period of *ten minutes* while he was in a fit of rage.

Confronted with this conflict in the testimony, the just, the equitable thing to do, what the criminal law of all nations prescribes, is to place in the scales of justice the integrity of the persons who acted as witnesses, in order to agree with those which have the greater weight. To this end I am going to make an examination of each one of those persons, using for that purpose the record of the proceedings.

The witnesses who give weight to the investigation conducted by the American authorities are Samuel Douglas, Albert Brown, Melburn Watson, John Winte and Seimoure Jones, persons whose bad conduct also brought them to the jail at Porto Bello, as they themselves state in their frank declarations on pages 23 and 24 of the respective record of proceedings, declarations which—may it be said by the way—lack the requisite of being under oath which takes away from them a large part of their value. The Panaman witnesses are: Benigno Andrión, ex-Alcalde of the District of Colon, José F. Navas, Foreman of the prisoners at Porto Bello, Carlos Vetonti, police officer, Charles de Reuter and George Comiz, honorable American citizens who resided at Porto Bello during that period. The three first named, Andrión, Navas and Vetonti, are persons known for their integrity, industry and honesty; of the last two, Mr. de Reuter is a competent engineer engaged in his work, and Mr. Comiz is a sincere and honest man.

This fact established, I do not doubt that you, as would any impartial person, will place more credence in the statement of the Panaman witnesses, especially so when their testimony is corroborated, as it happens to be in the present case, by the *sworn* statement of two respectable American citizens.

I have the firmest confidence that after having given the detailed facts of the case as I have, the Government of the United States will desist from demanding of the Panaman Government any indemnity whatever for the death of the American citizen William T. Harrington, who as the reading of the various documents composing the record of the investigation shows, was demented a considerable time prior to the date on which he was punished for the offense of larceny.

I avail [etc.]

E. T. LEFEVRE.

File No. 419.11H23/29.

The Secretary of State to Minister Price.

No. 4.] DEPARTMENT OF STATE,
Washington, October 20, 1913.

SIR: The Department has received Mr. Wicker's No. 507 of September 26, transmitting a note from the Foreign Office in further relation to the case of William T. Harrington.

You will request the Foreign Office to permit you to inspect the evidence which it has collected with regard to this case and to make a digest thereof, which, if you are able to obtain it, you will forward to the Department together with an expression of your opinion, as far as you may be able after investigation to form an opinion, as to the credibility of the witnesses who gave such evidence and par-

ticularly as to the two American witnesses named, whom you will interview if practicable, and endeavor to persuade to furnish you with sworn statements regarding their knowledge of the case.

Should the Panaman authorities evince any unwillingness to comply with the above request, you will recall to their attention the fact that the Legation furnished them free access to the testimony collected by this Government in the so-called Cocoa Grove disturbance of July 4, 1912. With this precedent in mind it would seem that there should be no difficulty in obtaining their permission to inspect and digest their evidence in the Harrington case.

I am [etc.]

For the Secretary of State:
Jos. W. Folk.

File No. 419.11H23/32.

Minister Price to the Secretary of State.

No. 115.] American Legation,
Panama, March 2, 1914.

Sir: Referring to the case of William T. Harrington and answering the Department's instruction No. 4 of October 20, 1913, directing this Legation to request [etc.] I have the honor to report that on account of my lack of familiarity with the Spanish language I referred this matter to Mr. Wicker, Secretary of the Legation, for attention. Not having found the time before going on his annual leave of absence to procure the information which said instruction directed, I had Mr. Clausel, Clerk of the Legation, make a copy in full of the Spanish evidence in the case which the Panaman Government had collected and further to look up the witnesses themselves as far as possible and obtain information as far as possible as to their credibility and particularly as to the two American witnesses, Charles de Reuter and George Cornick.

The permission to read the file in the case possessed by the Panaman Government and to copy this testimony was given only after a delayed response to my request for same, and the copying was required to be done at the Foreign Office.

The full list of witnesses, whose evidence had been taken by the Panaman authorities, is as follows: Luis Hernandez R., Charles de Reuter, Carlos Vetonti, José J. Navas, George R. Cornick, Benigno Andrion, Marcelino Portela, Irene Edwards, José Baltam C., Juan Pacheco, Alejandro Henriquez, Samuel Flores, Graciano Galastica and Clemente Gomez. Copies of their testimony in Spanish are herewith enclosed.

De Reuter claims that the testimony given by him in this matter and in the files of the Panaman Government in this case, is correct and declares that he is willing to swear to it again at any time. The expressions of opinion as to his credibility vary.

George Cornick left the employ of the Isthmian Canal Commission in November 1910, and information received is that he had a good record with the Commission and bore a good reputation.

Luis Hernandez was a lieutenant of police at Porto Bello and the official who used the club and otherwise ill-treated Harrington; he was reported to have been a very inefficient officer and was discharged

from the exercise of his duties by order of the Governor of Colon on account of this and other acts; but in dismissing him the Panaman officials claim that the punishment which he inflicted upon Harrington could not in any way have occasioned Harrington's death.

Marcelino Portela is proprietor of the same canteen from which Harrington was charged with having stolen the bottle of ginger-ale and he claims that his testimony now in the files referred to above is correct and says he is willing to verify same again if desired.

Mr. Clausel in the course of his investigation of these witnesses went to Colon and reports that as to the remainder of the witnesses whose testimony the Panaman authorities collected he has been unable to learn their present whereabouts or to find any one who could give an expression as to their reliability.

In further compliance with the directions contained in the Department's instruction, I have made an abstract in English of the testimony of each of the witnesses named hereinbefore, giving the substance of their testimony in full, and I transmit same herewith.[10]

I have [etc.]

WM. JENNINGS PRICE.

File No. 419.11H23/33.

The Secretary of State to Minister Price.

[Extract.]

No. 58.] DEPARTMENT OF STATE,
Washington, July 8, 1914.

SIR: The Department has received your despatch numbered 115 relative to the case of William T. Harrington, transmitting copies and a summary of the testimony taken by the Government of Panama concerning this matter. The Department observes that this testimony comprises none other than that previously furnished the Legation by the Minister for Foreign Affairs in his note of January 20, 1911, and forwarded to the Department with the Legation's despatch No. 74 of January 30, 1911, after a thorough examination of which the Department issued its instruction No. 40 of February 27, 1911.

Reverting now to the Legation's despatch No. 507 of September 26, 1913, and the copy of a note from the Minister for Foreign Affairs of Panama enclosed therewith, the Department desires again to review the facts of this case for your information and guidance in taking the action indicated herein.

The Department observes that the Minister for Foreign Affairs in his note of September 20, 1913, above referred to, cites the conflict of the evidence obtained by his Government with that brought to the attention of this Department, and states that, in view of this conflict, the equitable procedure would be to "place in the scales of justice the integrity" of the respective witnesses. This he then proceeds to do with the result that, in his opinion, the evidence which this Government has received tending to show that Harrington's death resulted from maltreatment received by him at the hands of the Panama police authorities is completely outweighed by that of witnesses examined

[10] Not printed.

by the Panaman authorities, and therefore the Minister gives expression to his feeling of confidence "that the Government of the United States will desist from demanding from the Panaman Government any indemnity whatever for the death" of Mr. Harrington. Needless to say, this Government cannot acquiesce in this finding of the Panaman Government.

The Minister for Foreign Affairs seems to base his conclusion that Harrington's death in no way resulted from the treatment suffered by him at the hands of the Panaman police officers, while he was serving his term of imprisonment, principally upon the testimony of five witnesses; namely, Benigno Andrion, José F. Navas, Carlos Vetonti, Charles de Rueter and George Comiz. Without attempting to attack the credibility of the testimony of these witnesses, though given for the most part by persons whose interests in the matter were sufficient to have prejudiced their statements, it is, in the Department's opinion, of small value for the reason that it has but very little bearing upon the facts of the case, is not inconsistent with the evidence indicating maltreatment and is wholly insufficient to support the conclusions of the Minister for Foreign Affairs, above referred to.

An analysis of this evidence shows that: [etc.]

It will therefore be seen that in all of this evidence there is a total absence of any direct statement in contradiction of the allegation that Mr. Harrington was, while serving his sentence, subjected to cruel and inhuman treatment at the hands of the Panaman police authorities, and that, as a consequence, he suffered both mental and physical impairment of health and subsequently died. The Department is confident therefore that upon a reconsideration of this evidence it will be fully appreciated by the Panaman Government how untenable is its position in this matter.

The United States Government does not rely wholly upon the evidence of the witnesses pronounced incredible by the Minister for Foreign Affairs because fellow prisoners with Harrington, to establish the facts of the cruel and inhuman treatment complained of. That evidence is merely corroborative of facts otherwise indisputably determined. The Department has on file a copy of the medical certificate of a life insurance company with which the deceased was insured, together with affidavits of those who were co-workers with him just before his departure from the United States, all of which indicate that he was in perfect health at that time; also a copy of the medical certificate of the District Physician of the Isthmian Canal Commission, who examined Mr. Harrington after his arrival on the Isthmus. This latter certificate, dated April 20, 1910, states that there was at that time apparent in the applicant's condition no evidence of disease or abnormal functions of nervous system, cerebrospinal or sympathetic; that there was no indication of any disease of the heart, blood vessels, digestive system, or any of the abdominal organs, and that he was in fit physical condition to engage in work on the Isthmus of Panama as an engineer. This, therefore, when considered together with the evidence of Benigno Andrion, upon whom the Panaman Government relies, seems to establish beyond any reasonable doubt the fact that Mr. Harrington was, at the time he began to serve his sentence, in sound health, both mental and physical.

Just three days subsequent to this examination by such District Physician the deceased was tried by the Panaman authorities on the

charge of "petit larceny" and sentenced to sixty days imprisonment. His physical and mental condition thereafter became such that on June 3, approximately forty days from the date of his sentence, he was admitted to the hospital at Colon.

It is admitted by the Minister for Foreign Affairs that during this time Mr. Harrington had been placed in the "stocks" for a period of "some ten or twenty minutes" and that on one occasion the Chief of Police "gave him two lashes on the shoulder"; that in doing so the official was excessive in his punishment and was consequently removed from his position. It is perfectly evident, however, that a confinement of "ten or twenty minutes" in the stocks could not alone possibly produce the physical injuries from which Mr. Harrington was suffering at the time of his admission to the hospital at Colon, for according to the superintendent of that hospital he was at that time "mildly insane and had a fever of 103.10 degrees. Both legs from knee to ankle were greatly swollen and inflamed, and on the right was an area of pressure necrosis 4″ x 2½″ on the anterior surface. On the left leg was corresponding necrosis, but not as severe. * * * The wounds on the legs could only have been caused by long continued and severe pressure, and the man's condition and high fever were apparently due to infection and suffering." This statement was corroborated by the District Physician at Porto Bello who attended Mr. Harrington before he was taken to Colon and who states that he was then "suffering with traumatic cellulitis, left leg; temperature 103 degrees. Left leg oedematous, oedema extending into foot; just above ankle was the mark of some constricting instrument, the skin at this point was broken and discolored, depressed below the surrounding oedema discharging a small amount of pus and serum. The wound had the appearance of having been under pressure for some time. * * * Mentally the man seemed mildly insane."

The fact that Mr. Harrington's condition when he was admitted to the hospital was due to the cruel and inhuman treatment to which he had been subjected, including his confinement in the stocks and exposure to the tropical sun, is abundantly supported by the statements of the other attending physicians and by those who came in contact with him while on his way to the hospital. The fact of this maltreatment was so well known that on June 2, 1910, a mass meeting of American citizens was held at Porto Bello to give expression to the sense of indignation felt by them concerning this case, and as a result a petition was drawn up and signed by 108 American citizens which stated that it was proved beyond a reasonable doubt, in their minds, that Harrington's dangerous condition was a "result of injuries received at the hands of the Panaman police while being punished by an instrument of torture known as 'the stocks.'" This petition, drawn up prior to the admission of Harrington to the hospital, relates to his condition while he was still in the custody of the Panaman police officials, being transferred from Porto Bello to Colon, and would seem to be sufficient to demonstrate clearly that during the interval of forty days since he had been found to be in sound health he had endured more than ordinary imprisonment and confinement in the stocks for a period of "ten or twenty minutes."

Moreover, at the instance of this Department the Secretary of War, who has jurisdiction over the Panama Canal Zone, directed that a

thorough investigation be made concerning Mr. Harrington's condition while he was in the Government hospital at Colon and the causes of his death. As a result, a board of investigation composed of three reputable physicians was appointed for this purpose which, after taking voluminous evidence in the matter, stated in its findings upon the case that:

> This testimony shows, beyond a doubt, in the opinion of the Board, that his physical condition was due to cruel treatment received by him while in prison. * * * Furthermore, the Board is of the opinion that such privation and inhuman treatment was sufficient to cause the mental disease from which Mr. Harrington was suffering. * * * The Board is of the unanimous opinion that the treatment received by Mr. Harrington, evidenced by affidavits and other papers in the file and borne out by the testimony of reliable physicians who treated him for injuries, * * * was the exciting factor in causing not only the inflammation and ulcers on his legs but his psychosis as well, and that there was a relation between such treatment and the diseases from which Mr. Harrington suffered. The Board is also of the opinion that such treatment, acting as a contributory factor, had an important causal relation to his subsequent death.

This Government cannot view complacently such cruel and inhuman treatment of its citizens by the authorities of any government. Neither can it admit that the mere discharge from his position of an official who is guilty of such shocking misconduct can atone for the suffering endured by an American citizen who was unfortunately for the time being under the authority of an official of this character. There is no doubt in the mind of this Department that, in the first place, the penalty imposed upon Mr. Harrington was excessive and disproportionate to the gravity of his offense; and that, second, the cruel treatment to which he was admittedly subjected, and which would seem to be sufficient in itself to lead the Panaman Government to proffer suitable reparation, was a factor which contributed very materially to the death of the prisoner and the consequent loss to his widow of the benefit of his support.

You are instructed, therefore, to present this case again to the Panaman Government in the general sense of the foregoing and express the feeling of hope and confidence which this Government entertains that the Government of Panama will recognize in this case an opportunity to demonstrate its abiding sense of justice and equity and its refusal to condone such acts as those complained of by acknowledging its duty to make adequate reparation for the suffering and losses consequent upon this unfortunate occurrence.

You will request a reply from the Panaman Government concerning this matter as soon as possible, promptly advising the Department of any further developments in the case.

I am [etc.]

W. J. BRYAN.

File No. 419.11H23/34.

Minister Price to the Secretary of State.

[Extract.]

No. 271.] AMERICAN LEGATION,
Panama, September 8, 1914.

SIR: Pursuant to the directions of the Department's instruction No. 58 of July 8, 1914, relative to the case of Mr. William T. Har-

rington, I have the honor to report that I have transmitted a note to the Panaman Foreign Office in the sense of said instruction, a copy of which I enclose.

The Legation will devote all due attention and energy to the prosecution of this claim.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 103.] AMERICAN LEGATION,
Panama, September 8, 1914.

EXCELLENCY: Under instructions from my Government I have the honor to bring to your excellency's attention certain conclusions reached by the Department of State with respect to the case of William T. Harrington, based upon an earnest consideration of your excellency's note No. S–2105 of September 20, 1913, and a thorough examination of the testimony in full in this case.

In view of the reference made by your excellency in said note to the conflict of testimony taken by our respective Governments and the expression of opinion that the testimony of the witnesses taken on behalf of Panama outweighed that developed in the investigation made by my Government in this case, my Government has taken much care in its review and examination made herein.

After this careful consideration the Department of State finds itself unable to agree with your excellency respecting this testimony and makes the following observations, which I respectfully submit to your excellency, namely:

[Here follows a complete quotation of the Department's instruction No. 58 of July 8, from the paragraph beginning "The Minister for Foreign Affairs of Panama seems to base his conclusion, etc.," to the end of the extract from the findings of the board of investigation.]

I am, therefore, directed most earnestly to represent to your excellency that my Government from its further investigation and consideration of this case is more than ever convinced that, in the first place, the penalty imposed upon Mr. Harrington was excessive and out of all proportion to the character of his offense, the theft of one bottle of ginger ale; and that, second, the cruel treatment to which he was admittedly subjected and which, would seem to be sufficient in itself to lead your excellency's Government to proffer suitable reparation, was a factor which contributed very materially to the death of the prisoner and the consequent loss to his widow of the benefit of his support.

I am also instructed to say that my Government cannot view complacently such cruel and inhuman treatment of its citizens by the authorities of any Government, neither can it admit that the mere discharge from his position of an official who is guilty of such shocking misconduct can atone for the suffering endured by an American citizen who was unfortunately for the time being under the authority of an official of this character.

My Government, therefore, desires me to express the feeling of hope and confidence which it entertains that your excellency's Government will recognize in this case an opportunity to demonstrate its abiding sense of justice and equity and its refusal to condone such acts as those complained of, by making all reparation as far as possible adequate for the suffering and losses consequent upon this unfortunate occurrence.

I feel sure that your excellency will, moreover, concur with my Government in its opinion, which I am directed to convey to your excellency, that in view of the protracted discussion to which this case has given rise it is highly desirable to the interest of justice that as early a completion of this matter as possible should be consummated.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 419.11H23/35.

Minister Price to the Secretary of State.

No. 390.] AMERICAN LEGATION,
Panama, January 26, 1915.

SIR: I have the honor to enclose herewith a copy of a note dated January 25, sent to the Secretary of Foreign Affairs of Panama in the matter of the case of William T. Harrington.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 122.] AMERICAN LEGATION,
Panama, January 25, 1915.

EXCELLENCY: I have the honor respectfully to observe that the failure of your excellency to make response to this Legation's note No. 103 of September 8, 1914, in the matter of the case of William T. Harrington must be an oversight and to request the consideration that this matter is believed to deserve.

The Department of State of my Government has most thoroughly gone over all the features of this unfortunate happening and its conclusions have been arrived at after a study of all matters both of fact and law.

I am instructed to request without undue delay the response of your excellency's Government herein in a manner that the merits of this case deserve.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 419.11H23/35.

The Secretary of State to Minister Price.

No. 102.] DEPARTMENT OF STATE,
Washington, February 11, 1915.

SIR: The Department has received your No. 390, of the 29th ultimo, in which you enclose a copy of a note which you addressed on the 25th ultimo to the Panaman Foreign Office calling attention [etc.] to its failure to reply to your note of September 8, 1914.

In the event that a reply is not soon received from the Foreign Office, you will bring the matter more emphatically to its attention.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 419.11H23/38.

Minister Price to the Secretary of State.

No. 437.] AMERICAN LEGATION,
Panama, March 9, 1915.

SIR: Pursuant to the Department's instruction No. 102 of February 11, 1915, I have the honor to report that I communicated to the Secretary of Foreign Affairs of Panama a more emphatic note in the case of Wm. T. Harrington, a copy of which I enclose.[11]

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary of State for Foreign Affairs.

F. O. No. 143.] AMERICAN LEGATION,
Panama, March 9, 1915.

EXCELLENCY: In the matter of the case of William T. Harrington, I have the honor to refer to the note of your excellency No. S–5645 of February 10 last, and again to refer to the whole file in this case and under specific instructions from my Government emphatically to insist upon the settlement of this matter without further undue delay and in a manner, consistent with justice and with regard for the considerations, which the representations and claims of my Government are believed to merit at the hands of a friendly power.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 419.11H23/39.

Minister Price to the Secretary of State.

No. 466.] AMERICAN LEGATION.
Panama, April 9, 1915.

SIR: Another note to the Panaman Foreign Office in the case of Wm. T. Harrington has been transmitted by me and I have the honor to enclose a copy of same.

No response is yet at hand beyond an apologetic remark by Sr. Lefevre that an answer should have been given me fifteen days ago.

I should be glad to have an indication by the Department of a definite amount in damages to insist upon in this case, when the proper time comes.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary of State for Foreign Affairs.

No. 161.] AMERICAN LEGATION,
Panama, April 5, 1915.

EXCELLENCY: I have the honor to refer to my Foreign Office notes Nos. 122 and 143 of the respective dates of January 25 and March 9 of the present year and respectfully to inquire of your excellency as to whether there is an intention on the part of your excellency's Government to make further response to my Government in the matter of the case of William T. Harrington and if so as to when such further response may be expected.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 419.11H23/39.

The Secretary of State to Minister Price.

No. 129.] DEPARTMENT OF STATE,
Washington, April 27, 1915.

SIR: The Department has received your No. 466 of the 9th instant, reporting that you have been unable to obtain any reply in regard to the claim of Wm. T. Harrington against the Government of Panama.

Inform the Foreign Office of the Panaman Government that it is greatly to be desired that the Government of Panama, mindful of the

importance of giving prompt consideration to matters brought to its attention affecting the relations of the two Governments, will bring to an end the vexatious delay which seems to have characterized the attitude of the Foreign Office toward this and other cases brought to its attention by the Legation.

The Department is of the opinion that an indemnity in the amount of $5,000 should be insisted upon in the case of the killing of Mr. Harrington.

I am [etc.]

W. J. BRYAN.

File No. 419.11H23/41.

Minister Price to the Secretary of State.

No. 510.] AMERICAN LEGATION,
Panama, May 15, 1915.

SIR: Referring to my despatch No. 466 of April 9, in the case of Wm. T. Harrington, I have the honor to enclose a translation of a note received from the Secretary of Foreign Affairs of Panama on yesterday.

The Department's instruction herein No. 129 of April 27 was not received until May 12, and I had not found the opportunity to transmit a note pursuant to same before the receipt of the response of Señor Lefevre, and it is just as well I think that this has happened.

We have had to make a hurried translation. After carefully considering same I shall respond to the arguments presented and in addition in compliance with said instruction No. 139, unless I am impressed later that the matter should be submitted to the Department for specific instructions.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–6626.] FOREIGN OFFICE,
Panama, May 11, 1915.

MR. MINISTER: I have the honor to refer again to the polite note of your excellency No. 103 of September 8, 1914, relating to the case of William T. Harrington.

Subsquently your excellency in notes No. 122 of January 25, of this year, No. 143 of March 9, No. 161 of April 5, and in conversations with the undersigned, has insisted that the Government of Panama, after careful consideration of the arguments of the above-mentioned note, make the pecuniary reparation which the Government of your excellency demands for the cruel and inhuman treatment which it asserts was inflicted on said Harrington by the chief of police of the prison of Porto Bello, while said Harrington was serving his term of 60 days arrest and work on the construction of the road from Porto Bello to Colon. The arguments that your excellency transmitted to me in this note have for their object to show that Harrington was physically and mentally sound when he was arrested and sentenced by the police of Colon on April 22, 1910, and that, as a result of the mistreatment of which he was a victim in Porto Bello, he lost his reason and died months afterwards.

My Government being attentive to the interest taken in this case by the Department of State of the United States and to the minute study which it has made of the pertinent documents and data, I, in my turn, have considered it indispensable to make a full examination of the case in order to show to your ex-

cellency the sincere desire of my Government to establish the truth and to make due reparation for abuses or injustices of any kind when really committed in this country against citizens of the friendly nation so worthily represented by your excellency.

I have now the honor to communicate to your excellency the result of my examination and the conclusions which my Government has reached in the matter.

Taking into consideration the careful inquiries made in Panama as well as those which the Government of your excellency has made in the United States in relation to William T. Harrington, it is the unavoidable conclusion of a methodical, orderly and strictly logical reasoning that Harrington did not lose his mind on account of violence and physical suffering inflicted by the police and overseers of the prisoners in Porto Bello, but that already on April 22, 1910, the date of his arrest, he suffered from mental derangement.

The proofs of this assertion are given in the following statements of witnesses:

The testimony of Mr. Benigno Andrian, the alcalde who judged and sentenced Harrington, says in its pertinent part:

Harrington did not present any bondsman, nor did he name anyone to defend him, without doubt thinking the latter unnecessary, since his guilt was public and proven and confessed by himself. Question: Did you notice in Mr. Harrington any symptoms of insanity on being examined by you? Answer: I did not note any symptoms of insanity in Mr. Harrington, but on account of his filthy clothes and other signs I understood that he had been drinking too much the day or night prevoius. Question: Do you know anything about the mistreatment which Harrington is said to have suffered in the public works in Porto Bello? Answer: From the statement of Lieut. Luis Hernandez, chief of police in Porto Bello, I know that Harrington seemed demented, that he never worked and that when they noticed his lack of practical judgment they sent him to the hospital.

The testimony of Charles de Reuter, from which I copy the following:

After the arrival of Harrington at the working camp on the road above referred to, I was able to observe that Harrington was not in his proper senses; that he showed the beginning of dementia. That was the reason they did not give him any work of importance, and he did what he wanted until the time when it was noticed distinctly that Harrington was demented, and the warden and Lieut. Hernandez resolved to send Harrington to the hospital in Colon to be cured.

The testimony of José F. Navas, superintendent of prisoners, makes the following declaration:

Later I noticed that Harrington was suffering as if from mental derangement and then guessed why he had been sent to the hospital to be cured, which was accomplished before his sentence expired.

The testimony of José Tomás Baltam says:

I remember that this man would never work and showed by his actions that he was not altogether in his right mind, although not exactly crazy; one day they put him to work and as he wouldn't work, they put him again behind the bars. Question: Does the witness know anything more in relation to Mr. Harrington? Answer: The lieutenant of police stationed in Porto Bello, Luis Hernandez, seeing that Harrington would not work and that he gave indications of being demented, resolved to send him to the hospital, and on arrival at the other side to embark some Americans took him in order to send him on their own account to the hospital.

The testimony of Ex-Lieut. Hernandez, says as follows:

A little later I noticed that Harrington was not working at all and that he was throwing himself in the puddles in the road. Also, in the prison he frequently struck his companions without any cause, until at last we understood that Harrington was insane and I advised the warden to send him to Colon to be cured, notwithstanding that he had not completed his sentence.

Whatever the merits which your excellency may concede to these witnesses, their testimony almost amounts to undeniable veracity in view of the mental state of Harrington as shown by his own acts and those of other people in relation to him.

A man who has so cultivated his intelligence as to become a competent machinist and engineer, as it is asserted Harrington was, even to the point of being employed by the Canal Commission, is not only unbalanced but crazy if he goes dirty about Colon, steals a bottle of ginger ale in a saloon and, when pursued by the proprietor and a policeman, flees like a criminal. This is very significant because it is a repetition of a similar one in which, according to Irene Edwards, another witness, Harrington having stolen an orange from her the same day he stole the bottle of ginger ale.

It appears that after his arrest Harrington passed the night in prison and on being sentenced the following morning he made no defense, received quietly his sentence of 60 days, made no protest, nor request for changing his sentence to a fine, nor any request at all. Afterwards, without soliciting protection from any

of his compatriots, very numerous in Colon, he was taken away in a tug owned by the I. C. C., manned by American employees; he arrived at New Porto Bello, the camp of the I. C. C. in Porto Bello, where all the chiefs and employees were Americans, and, without requesting intervention or protection from any of them, he was conducted to the Panaman jail at Porto Bello. So near to the town of Porto Bello and the American camp of New Porto Bello, constantly in communication with each other, it is remarkable that Harrington did nothing to free himself from his sentence and the violence and torture which it is said were inflicted upon him in prison. Any other American citizen, even if not an employee of the I. C. C. in the class of Harrington (and he too would have so proceeded if he had been sane), would have refused to pass the night of April 22 in jail but would have given bail and on the next day would not have acquiesced in a sentence of 60 days for taking a bottle of ginger ale without appealing to the protection of other people and would have taken legal steps to lessen his sentence.

This would have been easy for him in the city of Colon where so many of his compatriots live and are on the streets, many of them employees of every rank in the I. C. C. And if the measures taken in Colon had proved inefficacious something could have been done in New Porto Bello where he landed in a place composed exclusively of Americans and where he could defend himself and recover his liberty.

The acts and omissions of individuals show the exact state of their reason by comparison with the acts and words of normal people under the same circumstances. Thus Harrington's conduct showed conclusively that he lacked mental balance when he was arrested by the police and sent to the public works at Porto Bello. It is evident that the alcalde of Colon would not have given Harrington 60 days if he had not concluded from his clothes and manners that he was one of the many thieves and vagabonds who in Colon are a social menace.

The opinion of the doctor of the insurance company in which Harrington was insured does not constitute proof because the mental condition of Harrington was not to be discovered in a brief examination of his organs and viscera, but by observation of his actions. There are many cases of crazy people in which a cerebral disturbance does not show at the first glance.

The same observation is to be made in respect to the examination of Harrington by the district doctor of the I. C. C. two days before he was arrested. Recently arrived on the Canal Zone, and seen only once by his doctor, the diagnosis of his nervous condition by this doctor is not to be admitted as an indisputable scientific conclusion.

The affidavits of Harrington's fellow workmen in the United States, taken since his death and when there was a question of obtaining an indemnity for his widow from the Government of Panama, do not inspire the conviction necessary to admit the allegation, as it is recognized the world over that witnesses are inclined to be influenced by the hope or desire to help or damage somebody.

It will be said that in spite of the foregoing the fact remains that Harrington's legs were wounded and inflamed and that the wounds were undoubtedly caused by the stocks. This can not be effectively contradicted, but it is not proved that he was placed in the stocks more than once for a few minutes. His mental derangement admits the supposition that he himself caused the wounds in attempting in an access of rage to free his feet from the stocks. Moreover, in order to justify putting Harrington into the stocks it suffices to take into account the following remark of the predecessor of your excellency, Mr. H. Percival Dodge, who ended his note No. 307, of March 14, 1913, in this way:

> In presenting this case to your excellency my Government instructs me to say that it has confidence that the matter will receive sympathetic and equitable action and that, however possible it may be in some cases to make proper use of stocks for the restraint of prisoners, it is incontrovertible that they can be, etc.

It suffices also to consider that Harrington's conduct in the prison because of his mental condition, not the mere cruelty of his keepers, made necessary the application of the stocks.

In case your excellency, convinced by my reasons, would argue that if Harrington was crazy he would have been sent to the hospital or an asylum instead of being submitted to the violence of the prison, permit me to say that according to all the proofs, the mental condition of Harrington, although evidently abnormal, was not such as could immediately be recognized; and the police of

Porto Bello may be excused for noticing that neither the employees of the I. C. C. who ranked with Harrington as a machinist nor the doctors whom your excellency cites in his note discovered the mental derangement of this individual.

I particularly call the attention of your excellency to the fact that the conclusion arrived at by my Government agrees with that of Mr. J. P. Fyffe, Chief of the Police of the Canal Zone, in a report dated August 5, 1910, sent to Governor M. H. Thatcher, in which he says as follows:

> From statements in the police report it appears entirely possible that Harrington was demented at the time of committing the theft of April 22, although there is no proof of his insanity, according to what I have been able to find out, up to the time of his arrival at Porto Bello. It appears very possible that this insanity may have been the cause of all that happened.

Corroborative of this point made by Mr. Fyffe is the short time that Harrington remained in prison at Porto Bello. Even admitting that the treatment given him was worse than that given to prisoners in Siberia, within 40 days he would not have lost his reason since none of his fellow prisoners lost theirs.

For all these reasons, Mr. Minister, my Government trusts that the Government of your excellency will not insist on making our nation responsible for the insanity and death of William T. Harrington, and that to the demands of the widow of Harrington your Government will oppose the arguments which justice will suggest when the truth in this matter is ascertained.

I avail [etc.]

E. T. LEFEVRE.

File No. 419.11H23/42.

Minister Price to the Secretary of State.

No. 514.] AMERICAN LEGATION,
Panama, May 18, 1915.

SIR: Supplementing my despatch No. 510 of May 15 in the case of William T. Harrington, I have the honor to enclose a copy of the Spanish text of the reply from the Panaman Foreign Office, a translation of which was sent with the despatch above mentioned.

Unless in the meantime the Department may desire to instruct me specially with reference to the proper response to this note, I shall attempt to answer the arguments presented and assert claim for a definite indemnity in the sum of $5,000.

I have [etc.]

WM. JENNINGS PRICE.

File No. 419.11H23/42.

The Secretary of State to Minister Price.

No. 152.] DEPARTMENT OF STATE,
Washington, June 4, 1915.

SIR: The Department has received your No. 514, of the 18th ultimo, enclosing a copy of the Spanish text of the last note of the Panaman Foreign Office relating to the case of William T. Harrington. You state that you intend writing a note to the Foreign Office answering the arguments presented and asserting claim for a definite indemnity in the sum of $5,000.

Your proposed course is approved.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 419.11H23/43.

Minister Price to the Secretary of State.

No. 529.] AMERICAN LEGATION,
Panama, June 11, 1915.

SIR: Referring to my despatch No. 514 of May 18 in the case of William T. Harrington, I have the honor to enclose herewith copy of the note transmitted to the Panaman Foreign Office, responding to the late note of Secretary Lefevre herein and making a demand for payment of an indemnity of $5,000 in accordance with the Department's instruction No. 139 [129] of April 27 last.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 186.] AMERICAN LEGATION,
Panama, June 10, 1915.

EXCELLENCY: I have the honor to inform your excellency that the courteous note No. S–6626 of May 11 last, transmitted by your excellency in the case of the late William T. Harrington, has been read and considered with all due care.

It is noted that the response and argument of your excellency are almost entirely devoted to the attempt to prove that the unfortunate Harrington, now dead, was mentally deranged at the time of and before the passing of sentence upon him by the judge in Colon and his incarceration in the prison at Porto Bello.

I would call to your excellency's attention that the speculation indulged in by the Zone chief of police, from whose report a quotation was made, related to an explanation of the reason for the commission of the theft by Harrington, and that the following sentence in the part of his report quoted by your excellency, namely, "It seems quite probable that his insanity may have been the cause of the entire transaction," referred not to Harrington's experiences afterwards, but to the matter of the commission of the small theft, taking into consideration that the offense was not likly to be committed by a high grade employee of the Canal Commission, such as Harrington was. It is interesting to note in this connection the opinion which the Panaman alcalde who tried Harrington gave expression to regarding the condition in which Harrington was, out of which resulted his commission of the petty offense. Alcalde Andrian, being asked by the Governor in his examination of this case the following question: "Did you notice any symptoms of mental disorder in Mr. Harrington when he was examined by you?" replied thus: "I did not notice any signs of dementia in Mr. Harrington, but by the dirt on his clothes and other signs I understood that he had been drinking too much the previous day and night."

Both the statements of the Canal Zone police chief and of the alcalde of Colon are to the effect as to what may have been possible or probable, and as between the two, Señor Andrian had much better opportunity to judge and his opinion is likely very much nearer correct. It would seem undoubtedly to be, in as much as the record in this case shows, that physicians with their scientific training in such matters and others with an acquaintance and association with Harrington, which neither the Alcalde nor Chief Fyffe had, have stated that Mr. Harrington was at this time suffering from no physical or mental disorder. The latter character of evidence was referred to at sufficient length in the note of my Government in this case of date of September 8, 1914, to which your excellency's recent note was a response, to make repetition of it inappropriate, beyond reference again to the fact that the examination by the district physician of the Isthmian Canal Commission just two days before Mr. Harrington's arrest found him in sound physical and mental condition. It can not quite be believed that the statements of police agents and interested parties,

which your excellency has seen fit to quote from extensively in your recent note, are really considered by your excellency as testimony of the same weight or grade of that referred to, nor as even approaching it in trustworthiness.

In averting now to the argument of your excellency that the conduct of Mr. Harrington at the time of his first detention and his trial furnished proof of existence then of mental disorder, it is pertinent to quote the following paragraph from your excellency's note.

> Any other American citizen, even if not an employee of the I. C. C. in the class of Harrington (and he, too, would have so proceeded if he had been sane), would have refused to pass the night of April 22 in jail but would have given bail and on the next day would not have acquiesced in a sentence of 60 days for taking a bottle of ginger ale without appealing to the protection of other people and would have taken legal steps to lessen his sentence.

It will be borne in mind that Mr. Harrington had only been on the Isthmus twelve days preceding his arrest, having arrived at the Pacific terminus of the Canal from San Francisco. He had secured employment by the Canal Commission at the Atlantic terminus eleven days after his arrival, more than 40 miles away, and only one day before his disagreeable experiences began with Panaman officials. He was waiting to begin his work as a high grade skilled machinist at the wages of sixty-five cents gold per hour when these experiences fell to his lot. It must be true, therefore, that the acquaintances made by Mr. Harrington up to that time were very limited. However, experiences of numerous American citizens with the police and court officials of your excellency's Government have proven that no matter how long one has lived on the Isthmus nor how large may be the acquaintanceship he may have formed, nor how reasonably accessible these acquaintances may be, there exists no assurance that, even when charged with a small misdemeanor, as in this case, they will be permitted any opportunity to give bond or obtain proper means of defense.

It so happens, just now, that other claims in addition to this one, are pending against your excellency's Government, in which are involved, among other elements of damage, the mistreatment of citizens of the United States in these same respects. The system practiced in Panama of keeping American citizens "incomunicado," particularly when charged with the smaller degrees of offenses, and of refusing their insistent requests to communicate with friends who could go bond for them, and to give them proper opportunities to obtain witnesses and prepare their defenses, has been a source of severe irritation to the Government of the United States; it is on a par with the use of stocks, as in this case, in attempted discipline of prisoners; both are out of keeping with the practices of civilization and certainly with those considerations due for several reasons particularly from Panama to citizens of the United States.

The very proper admissions made by your excellency in the paragraph quoted above from your note are intended to be emphasized by the incorporation of same in this note. Said paragraph characterizes any American citizen insane, who would suffer incarceration first in jail over night and then a sentence to hard labor in a convict camp for sixty days for the miserably small infraction of "taking a bottle of ginger-ale," without appealing to the protection of other people and to legal recourses to lessen the sentence. It is represented to your excellency that said treatment of an American citizen by an official of the Panaman Government and the infliction of such a penalty under the circumstances are susceptible of the same argument that they are plain proofs of the insanity of said official and that if said official were not laboring under insanity, when visiting such abnormal and disproportionate exercise of his authority. then, in keeping with the cruel treatment by other officials of Panama later applied to said American citizen, there has been exhibited a lack of capability, or a reckless disregard of the rights of humanity, or both, on the part of officials of Panama, which no Government to which a sufferer therefrom may own allegiance can, with due regard to its obligations, countenance without proper reparation being made therefor.

The more carefully the evidence in this case is considered, the more reprehensible would seem to be the treatment accorded Mr. Harrington by the several officials of Panama involved. It is admitted that the proprietor of the saloon from which the bottle of ginger-ale was taken interceded with the policeman who arrested Harrington, to turn him loose, feeling the offense was so trifling that he did not care to take further notice of it, and feeling doubtless, too, that the offense was, perhaps, committed in a spirit of playfulness or when possibly under the influence of drink. Your excellency, very naturally astonished by the severity of the sentence adjudged against Harrington, in

attempting to explain it states that it is evident same would not have been imposed had not the alcalde believed that Harrington was one of the many thieves and vagabonds infesting Colon. However, the alcalde claims no justification for his action on this ground. The reasons given by your excellency for the above supposition are given by the alcalde as convincing him that this high grade and skilled employee was simply under the influence of liquor when he committed this act. Usually such a fact is taken into consideration as indicating the absence of criminal intention on a charge like this and the sentence is made less, at least, instead of being more severe.

Now, for the sake of argument and for that purpose alone, let it be granted that Mr. Harrington was demented from the time he first fell into the hands of officials of Panama. Your excellency of course must concede that in such a case not only is a prison an improper place for keeping in custody such an unfortunate but that certainly labor as a convict under a tropical sun and whipping with a club and the clamping of heavy wooden stocks, and, according to testimony in the record, with face and stomach down on one occasion, would be more than highly improper; that in case of a man so afflicted, kindness and humane treatment, patience and forbearance, if lacking would convict those in custody of the unfortunate man of most guilty cruelty.

It is noted that in making the argument that Mr. Harrington was insane from the inception of this whole affair your excellency incidentally remarks that it is proper to suppose that the Panama officials did not perceive this condition because, to quote from your excellency's note, "neither the employees of the Isthmian Canal Commission nor the doctors whom your excellency cites in his note discovered the mental derangement of this individual." These employees and doctors make said statements not inferentially or as deductions, but with positiveness, as distinguished from the basis upon which your excellency argues. Moreover, the police agents of your excellency's Government do not claim for themselves this inability to discover Mr. Harrington's mental condition, but rather, as a justification for placing him in stocks and disciplining him, give as a reason that Harrington did and said things that showed him to be mentally deranged.

Your excellency seems to have labored under a misapprehension in quoting from my predecessor as having admitted the use of stocks to be proper with prisoners. The language used in said connection is of an argumentative character—granting for sake of argument, in other words. To make it more plain and to reiterate as a part of this note the balance of the same sentence of my predecessor there is incorporated the same herewith, namely:

> In presenting this case to your excellency my Government instructs me to say that it has confidence that the matter will receive sympathetic and equitable action and that, however possible it may be in some cases to make proper use of stocks for the restraint of prisoners, it is incontrovertible that they can be, *and in the Harrington case have been made an instrument of torture, and that therefore my Government will not permit its citizens to be subjected to this treatment.*

Wherefore it would seem incontestable that if Mr. Harrington was mentally deranged at all the times claimed by your excellency the fact could only aggravate the liability of your excellency's Government herein; that it could hardly be argued that the death of Mr. Harrington was caused by his insanity; and therefore this, at least, and the greatest of the two sad eventualities in his case, must be answered for. When your excellency is compelled by the facts to admit, as in the note to which this is a response, that it can not be effectively contradicted that the man now dead had wounded and inflamed legs and that these wounds were undoubtedly caused by the stocks, and it is further admitted, as it was in the report of investigation in this matter in 1910 by the Governor of Panama to the Department of Government and Justice of your excellency's Government, that the lieutenant of police, Hernandez, who was in charge of Mr. Harrington, had been guilty of other misdeeds in his office in addition to the accusation herein, and this poor defenseless prisoner is found at last in his custody in a condition where he could not walk as the result of the wounds inflicted on his limbs and presenting such an appealing and intensely distressing sight that 108 fellow Americans are moved by it to hold an indignation meeting and demand that such wrongs shall be redressed, and the remembrances of the tortures to which he has been subjected return to add to his sufferings, as testified to in this record, in his hours of dementia, then these facts would seem to add not only forceful proof to the other convincing evidence which the United States had taken much care to procure herein, but should, it is believed, elicit from your excellency's Government a response in keeping with the dic-

tates of justice and humanity and of willingness cordially to right a wrong. My Government fails to find in the arguments presented by your excellency any reason to change its conviction, heretofore formed after most careful deliberation, as to the agencies responsible for bringing about the insanity and death of Mr. Harrington.

Nearly five years now having elapsed since the commission of these wrongs and the widow and family of the deceased as well as the representatives from their State in our Congress on behalf of them being very properly urgent that this matter shall be brought to a satisfactory conclusion, my Government in deference not only thereto, but to its obligations to its citizens in the abstract, and being unable to see that there can be any good reason for further protracted discussion herein, must insist upon prompt indemnification herein by the Government of Panama.

Suffering and loss of life, in such cases as this can never be fully compensated, but, measured as far as money damages may compensate and yet in estimating same due regard having been given to all that your excellency's Government has been able to present on behalf of itself herein, my Government instructs me to inform your excellency's Government that it deems the sum of five thousand dollars to be a most considerate and moderate indemnity to the bereaved ones in this sad affair, and to demand the payment of same, which is hereby respectfully done.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 419.11H23/45.

Minister Price to the Secretary of State.

No. 563.] AMERICAN LEGATION,
Panama, July 20, 1915.

SIR: Referring to the Department's instruction No. 152 of June 4 and my despatch No. 529 of June 11 in the case of Wm. T. Harrington, I have the honor herewith to transmit a copy and its translation of a note from the Secretary of Foreign Affairs of Panama acknowledging my note copy of which was enclosed with said despatch No. 529 and stating that same has been referred to the consulting attorney of the Panama Foreign Office for study and consideration.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–7377.] FOREIGN OFFICE,
Panama, July 19, 1915.

MR. MINISTER: I have the honor to advise you of the receipt of the polite note of your excellency, No. 186, of June 10 last, relating to the late William T. Harrington.

The note referred to has been sent to the Consulting Attorney of this office for his study and consideration, and as soon as his opinion is received it will be a pleasure to forward his reply to your excellency concerning this particular.

I have [etc.]

E. T. LEFEVRE.

File No. 419.11H23/48.

Minister Price to the Secretary of State.

No. 604.] AMERICAN LEGATION,
Panama, September 6, 1915.

SIR: Supplementing my despatch No. 563 of July 20 last, and referring to the Department's No. 152 of June 4 in the case of Wm.

T. Harrington, I have the honor to enclose a copy of another note transmitted by me to the Panaman Foreign Office soliciting the settlement of this claim without further delay.

The time seemed opportune for this additional note and it is my purpose to follow it up with even more persistency than in the past with the hope that an early payment of the indemnity herein may be obtained. The disagreeableness and difficulty of the task will, I have every reason to believe, increase up to its final accomplishment.

It will be noted that I called to the attention of the Secretary of Foreign Affairs of Panama that on yesterday five years had elapsed since the death of Mr. Harrington.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to Panaman Foreign Office.

No. 220.] AMERICAN LEGATION,
Panama, September 6, 1915.

EXCELLENCY: I have the honor to refer to my note No. 186 of June 10 last in the case of the late William T. Harrington.

On yesterday five years had elapsed since the death of this citizen of my country.

Convinced of the correctness of its position in this matter, and having exhibited a consideration and patience best illustrated by the record itself herein, the representations and demand of said note are repeated and made a part hereof, and respectfully but emphatically I must solicit the settlement by your excellency's Government of this claim without further delay.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 419.11H23/49.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, September 18, 1915.

After continued insistence I have just procured from the Panama Government payment of $5,000 in settlement of William T. Harrington claim. San Francisco, I believe, is the home of his widow. I will send a draft to the Department by next pouch.

PRICE.

PROTECTION OF CHINESE INTERESTS IN PANAMA; GOOD OFFICES OF THE AMERICAN LEGATION.[16]

File No. 819.55/63.

Minister Price to the Secretary of State.

No. 397.] AMERICAN LEGATION,
Panama, January 30, 1915.

SIR: I have the honor to refer again to the matter of anti-Chinese legislative restrictions on the part of the Panaman Government.

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[16] Continued from For. Rel. 1913, pp. 1105–1139.

In the agreed settlement of the differences arising as a result of the passage of Law 50 of 1913, the Panaman Secretary of Foreign Affairs obligated himself expressly to use his best endeavors to obtain from this session of the National Assembly a reduction of the registration fee from $250 to $125 for Chinamen within the Republic without valid cédulas and to have cancelled the notes given by them for this $125, in addition to their cash payments of $125 in complying with the face of said Law 50.[17]

It was my understanding that he also agreed to use the same endeavors to have the provision stricken from Law 50, which requires a re-registration every six months, though this part of the agreement was not put in writing on account of the position taken by him that, while the enforcement of same would not be carried out (as it has not been up to this time), if he should make a written assurance it would appear to evidence a formal refusal on his part to abide by a law of his country.

The President of Panama a few days since presented a message to the Assembly on this subject. A copy of same is enclosed (enclosure No. 1). He asks for the cancellation of the notes mentioned above. He also suggests the imposing of other restrictions. Following this message, Sr. Lefevre introduced a bill amending Law 50 in accordance with suggestions of this message. I visited Sr. Lefevre's office for a conference and he declared that the present Assembly was quite violently anti-Chinese; that the provisions of his amendment would only work out for the better enforcement of those provisions of Law 50 which met the sentiment of his people and which were not severe on the Chinese; that he had not agreed to have the article requiring re-registration every six months repealed but only not to enforce same, and that it would not be enforced; that he believed any effort to amend the law except along the lines of the President's message would cause the Assembly to be aroused to more stringent regulations than already proposed. He asked me if the Chinese Consul General had made any complaint to me, and as he had not, I so responded. Sr. Lefevre then declared the amendments proposed were satisfactory to the Chinese Consul General, who had conferred with him about them. On Thursday the Assembly took the amended bill up and went very far beyond even the added restrictions suggested by the President and Señor Lefevre. The latter tells me that he was present during the debate and did his best to stem the tide so adverse to the Chinese, but without avail, and that the added restrictions passed as far as the second debate.

In my visit to the President Friday regarding the bill authorizing the expenditure of the portion of the $3,000,000 loan for other purposes than railroad building, I circumspectly extended my good offices on behalf of the Chinese; but while the President expressed regret over the action of the National Assembly and stated it was contrary to his wishes, he was not reassuring.

Thinking possibly the Chinese Consul General was not aware of the situation, I telephoned him. It seemed that he was keeping informed; and later, making a visit to President Porras, he called at the Legation yesterday afternoon saying the President gave him assurance that if the bill became a law in the form in which it passed

[17] Id. 1138, first two sentences.

the second debate he would see that the article refusing passports to any Chinaman leaving the country was not enforced. Sr. Lefevre later told me that he was attempting to keep the amended bill off the calendar and thus prevent its going to third debate or reading before adjournment of the Assembly; that he felt it was about the only way to prevent the additional adverse legislation.

The Chinese Consul General stated he had cabled the Ambassador in Washington to obtain the aid of the Department of State. An interest expressed by Mr. Bryan through Minister Morales I believe would be most helpful.

The amended law as passed on second debate is enclosed with its translation. (Enclosure No. 2) and its severe restrictions are quite apparent.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1—Translation.]

The President of Panama to the National Assembly.

MESSAGE NO. 52.

HONORABLE DEPUTIES: I have the honor to submit to your wise consideration a bill which modifies and adds to Law 50 of 1913, regarding the immigration of Chinese ,etc.

Law 50 of 1913 answers the sentiments of the majority of the Panaman people, which has shown itself always adverse to the admission into the country of the above-mentioned races, and its provisions have in practice resulted very satisfactorily, having contributed to reducing immigration to a large extent, almost annulling it. However, in practice several deficiencies have been noticed which the bill I submit tends to remedy.

In the first place, there are many naturalized Chinese, or sons of Chinese naturalized in other countries, against whom the prohibition of ingress into the country should be extended, under Article 1. It is, I think, the race and not the nationality which is contemplated by the prohibition.

Articles 2 and 3 tend to restrict the issuing of passports to leave the country, which although great vigilance may be exercised, are always liable to frauds, taking into account the similarity of Chinese names and physiognomy. The provision making Panama the only port of entry may facilitate such vigilance and render contraband impossible.

The Secretary for Foreign Affairs in his report to you in the ordinary sessions of 1914, informed you that the Chinese, Syrians, etc., who could not prove their legitimate residence in the country, have obtained cédulas for temporary residence in accordance with Article 7 of Law 50 of 1913, each depositing in stamps of the fourth class the sum of 125 balboas and signing a promissory note for 125 balboas additional, cancellable on December 31, 1914. But, considering that sum rather excessive, he requested that you obtain its reduction and that the promissory notes be not enforced. All this has reference to Article 5 of the bill to which I hope you will give your approval.

BELISARIO PORRAS.

[Inclosure 2—Translation.]

An Act amending Law 50 of 1913, regarding the immigration and association of Chinese, Turks, Syrians and North Africans of the Turkish race.

The National Assembly of Panama decrees:

Art. 1. The prohibition contained in Article I of Law 50 of 1913 includes all the individuals of the races mentioned in it, whatever may be their nationality or that of their parents.

Art. 2. Every foreigner of the above-mentioned races who leaves the country when this law goes into effect, shall lose the domicile acquired in it, and hence

the right to return to the national territory; consequently the issuance of passports to the foreigners mentioned to leave the country is hereby prohibited.

Art. 3. Those having passports who are actually residing abroad, shall have a period of two years to return to the country after the publication of the present Law in the Gaceta Oficial, at the expiration of which they cannot return and the passports will be declared null and without value. The period mentioned will in no case be extended.

The Diplomatic and Consular Officers of the Chinese nation are not included in the provisions of this law.

Art. 4. In order that the foreigners mentioned in the present law may hereafter establish clubs in the cities of Panama and Colon, they shall be obliged to present a bond satisfactory to the Secretary of Government and Justice in the sum of five thousand balboas (B. 5000) and shall pay to the General Treasury of the Republic the sum of one thousand balboas (B. 1000) a month during the existence of the club, and the payments shall be made monthly in advance by each establishment.

Art. 5. The captains of ships who introduce into the national territory foreigners of the nationalities mentioned shall pay a fine of not less than five hundred balboas (B. 500) for each foreigner introduced, being obliged to return them to the place where they were embarked.

If any authorities or private individuals be found to be accomplices or to have aided in the clandestine introduction of the above-mentioned foreigners, such authorities shall suffer a fine of five hundred balboas (B. 500) and the loss of their employment, and such private individuals shall pay double the said fine. Said penalties shall be imposed and shall be made effective by the Governor of the respective province.

Art. 6. Popular action is granted to denounce before the authorities of the Republic the infractors of this law. The accusers, after proving their accusation, shall be entitled to twenty-five per cent (25%) of the fines imposed.

Art. 7. The foreigners included in the present law who by virtue of previous and present laws are prohibited from immigrating into the territory of the Republic, will not be allowed to become naturalized citizens of it.

Art. 8. This law modifies and adds to Law 50 of 1913 and the Executive Power is authorized to issue regulations relating to it.

Done at Panama, January —, 1915.

File No. 819.55/58.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, January 30, 1915.

The National Assembly of Panama on the second debate has amended Law 50, Chinese Exclusion Act, enclosed with dispatch No. 417, April 18, 1913,[18] extending prohibition of first article to those naturalized in other countries and their children; also forbidding passports to those leaving Panama, barring their return. Cancelling promissory notes pursuant to note of Panaman Minister for Foreign Affairs enclosed with despatch No. 62, January 17, 1914, has been denied though requested by Panaman Minister for Foreign Affairs. I have used good offices and conferred with Chinese Consul General. The bill withheld from third debate temporarily, uncertain and not reassuring [omission in transmission] have been made by Panaman President and Panaman Minister for Foreign Affairs. Your good offices through Panaman Minister Morales might be effective if agreeable to you.

PRICE.

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[18] For. Rel. 1913, p. 1109.

File No. 819.55/59.

The Chinese Legation to the Department of State.

MEMORANDUM.

A bill pending in the Panaman Congress requiring Chinese residents leaving the country with the intention of returning to pay a tax of one thousand dollars ($1,000) in gold and to land only at the port of Panama, has been amended at its first reading so that Chinese shall not be permitted to move to other cities, and again amended at its second reading so that Chinese leaving the country shall not be permitted to return at all.

The Chinese Consul General at Panama reports that there is imminent danger of this bill becoming a law, and urgently requests that special authority be obtained for the American Minister at Panama to use his good offices in behalf of Chinese citizens residing in that country.

CHINESE LEGATION,
Washington, February 1, 1915.

File No. 819.55/59.

The Secretary of State to Minister Price.

[Telegram.]

DEPARTMENT OF STATE,
Washington, February 1, 1915.

We learn from Chinese Minister here that there is imminent danger of a bill now before the Panama Legislature becoming a law which requires Chinese residents leaving the country with the intention of returning to pay a tax of one thousand dollars in gold and to land only at the port of Panama. It was amended at its first reading so that Chinese shall not be permitted to move to other cities and again amended at its second reading so that Chinese leaving the country shall not be permitted to return at all. Please use your good offices to secure as favorable terms as possible.

BRYAN.

File No. 819.55/60.

Minister Price to the Secretary of State.

[Telegram.]

AMERICAN LEGATION,
Panama, February 2, 1915.

Your telegram of February 1, and my telegram of January 30. I have just had another conference with Panaman Minister for Foreign Affairs and this time in company with Chinese Consul General. Panaman Minister for Foreign Affairs states that measures have been taken to prevent Chinese Exclusion Act coming up again in the National Assembly before its expiration. He assured us that if it should pass in its present form it will be vetoed.

PRICE.

File No. 819.55/60.

The Acting Secretary of State to the Chinese Minister.

No. 48.] DEPARTMENT OF STATE,
Washington, February 4, 1915.

SIR: Referring to the memorandum left at the Department by you on February 1, 1915, with reference to a bill pending in the National Assembly of Panama relating to the exclusion of Chinese from that Republic, I have the honor to advise you that I telegraphed the American Legation at Panama on February 1, requesting the Minister to use his good offices towards obtaining as many modifications of the measure as possible. The Minister telegraphed the Department on February 2 that he had had a further conference with the Minister for Foreign Affairs of Panama in company with the Chinese Consul General and that the Minister for Foreign Affairs stated that steps had been taken to prevent the so-called Chinese Exclusion Act from being brought up again in the National Assembly before its final adjournment. The Minister for Foreign Affairs assured the American Minister that if the bill should pass in its present form it will be vetoed.

Accept [etc.]

ROBERT LANSING.

File No. 819.55/64.

Minister Price to the Secretary of State.

No. 400.] AMERICAN LEGATION,
Panama, February 5, 1915.

SIR: Referring to my telegrams of January 30 and February 2, and to the Department's telegram of February 1, and supplementing my despatch No. 397 of January 30, I have the honor to enclose a copy of my Foreign Office note of February 1 in this matter. After receipt of the Department's telegram, I visited the Panaman Foreign Office in company with the Chinese Consul General and his Vice Consul.

My good offices were exercised courteously and earnestly and the assurances quoted in my telegram of February 2 were given by Sr. Lefevre. It is well, however, to advert that the fulfillment of said assurances will still leave Law 50 of 1913 without being amended, as represented by the Panaman officials in the settlement of matters last year. I called particular attention to this. Sr. Lefevre declared that the provisions of Law 50, which have been in suspense under said agreement, would be continued in suspense.

The Chinese Consul General was agreeable to this situation continuing rather than risk the matter coming again before this Assembly.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary for Foreign Affairs.

No. 129.] AMERICAN LEGATION,
Panama, February 1, 1915.

EXCELLENCY: Referring to the matter of anti-Chinese legislation now pending in the National Assembly of Panama, I have the honor to solicit the continued services of your excellency to the intent that representations made while my Government was extending good offices in the matter of Law 50 of 1913 may be honored by said Assembly and no such action taken by it as might have results in its practical carrying out that might bring into question treaty rights and obligations, let alone work an injustice that calm consideration might not permit.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 819.55/66.

Minister Price to the Secretary of State.

[Extract.]

No. 414.] AMERICAN LEGATION,
Panama, February 18, 1915.

SIR: Referring further to the matter of anti-Chinese legislative restrictions on the part of the Panaman Government, I have the honor to enclose herewith a copy and translation of a Foreign Office note under date of February 12 last, the contents of which I have communicated to the Chinese Consul General.

This came in response to my Foreign Office note of February 1 last, and pursuant to my conferences with the President and Secretary of Foreign Affairs of Panama in the extension of good offices on behalf of the Chinese, all of which was reported in recent telegrams and in my despatch 400 of February 5.

It will be seen that Señor Lefevre's response in its reference to the applicability of treaty provisions in this matter fails to take into account the phrasing of my note to the effect that hope was expressed that no action would be taken in this matter, the *practical carrying out of which* might lead to contravention of treaty obligations.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure—Translation.]

The Secretary for Foreign Affairs to Minister Price.

No. S–5672.] DEPARTMENT OF FOREIGN AFFAIRS,
Panama, February 12, 1915.

Mr. MINISTER: I have the honor to acknowledge the receipt of your excellency's courteous note No. 128 [129] of the 1st instant, having reference to the proposed law changing Law 50 of 1913, which has been discussed in the National Assembly.

During the visit which your excellency paid me in company of the Chinese Consul General, to communicate to me that the Chinese Government had requested the United States of America through the medium of your excellency to extend its good offices in this matter to help the Chinese colony, I had the honor to show to your excellency, as I had indicated before to the above-mentioned consular official, that the information received about this proposed law was exaggerated and that there was no intention to adopt means of persecution against the said colony, but only to make more difficult the clandestine entry into the country of all individuals whose immigration is prohibited.

Even less does the proposed law contain anything affecting the rights or obligations arising from international treaties, as I assured your excellency, since Panama has signed no treaty with any of the nations from which such excluded immigrants proceed, and the Bunau-Varilla-Hay Treaty makes no mention of the residence, admission or exclusion of the Chinese of Panama, nor of the rights or obligations of the individuals of this race.

I avail [etc.]

E. T. LEFEVRE.

File No. 819.55/65.

The Chinese Minister to the Secretary of State.

No. 47.] CHINESE LEGATION,
Washington, February 20, 1915.

SIR: I have the honor to acknowledge the receipt of your Department's note of the 4th instant, in which you are good enough to inform me that the exercise of good offices on the part of the American Minister to Panama has resulted in preventing the enactment of the so-called Chinese Exclusion Law in Panama.

I need hardly assure you that this welcome intelligence is very gratifying to my Government; and I take this opportunity to thank you and the American Minister to Panama for his successful intervention in behalf of the Chinese residents in Panama.

Accept [etc.]

KAI FU SHAH.

File No. 819.55/68.

Minister Price to the Secretary of State.

No. 422.] AMERICAN LEGATION,
Panama, February 25, 1915.

SIR: Referring to my despatches Nos. 400 and 415 [414] of the dates respectively of February 5 and 18 last, regarding additional anti-Chinese legislation, I have the honor to report that the National Assembly of Panama, before which same was pending, adjourned on yesterday without the amended bill being passed.

For the purpose of properly expressing appreciation to Sr. Lefevre, Secretary of Foreign Affairs of Panama, for his services in checking said legislation, and the further purpose of making a record of the assurances given to me and the Chinese Consul General that certain severe provisions of Law 50 of 1913 would be continued in suspense as they have been in the past, even if this last Assembly should fail to ratify the agreement heretofore made by the Panaman Foreign Office regarding same, I have transmitted a Foreign Office note to Sr. Lefevre, a copy of which I enclose.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure.]

Minister Price to the Secretary of State for Foreign Affairs.

No. 142.] AMERICAN LEGATION,
Panama, February 25, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of the valued note of your excellency No. S–5672 of February 12 last, respecting the proposed

legislation amending Law 50 of 1913, affecting the Chinese, and to express appreciation for your kind services in the whole matter, resulting in the National Assembly of Panama adjourning without enacting the restrictions proposed, which seemed to be of a character that would work unnecessary hardship and injustice, though it is conceded that your excellency entertained no such intention with reference to the suggestions submitted by your excellency's office, but had in view the purposes stated in said note.

It is a pleasure, too, to express gratefulness for the assurance of your excellency on February 2, 1915, to the Chinese Consul General and myself while acting in the capacity of extending the good offices of my Government in this matter, that certain severe provisions of Law 50 of 1913, would continue unenforced as in the past.

Judging from your excellency's response that there has been a misconception of the purport of the reference by me to the applicability of treaty provisions in this matter, the phraseology of that portion of my note is called attention to as containing the expression of hope that measures might not attain the sanction of law the *practical carrying out* of which might bring into question treaty *rights* and *obligations*.

I avail [etc.]

WM. JENNINGS PRICE.

File No. 819.55/67.

The Chinese Minister to the Secretary of State.

No. 55.] CHINESE LEGATION,
Washington, March 2, 1915.

SIR: I have the honor to inform you that I have just received a telegram from the Waichiao Pu at Peking, of which the following is a translation:

Mr. Fong Tsiang Kwang, Consul General at Panama, reports by cable that owing to protests made with the effective cooperation of the American Minister the Congress of Panama has adjourned without enacting any anti-Chinese law. You will please convey to the Secretary of State the expression of this Government's warm thanks.

In carrying out the instructions of my Government,
I avail [etc.]

KAI FU SHAH.

File No. 819.55/65.

The Secretary of State to Minister Price.

No. 107.] DEPARTMENT OF STATE,
Washington, March 2, 1915.

SIR: Referring to your telegram of February 2, 1915, relating to the exercise of your good offices toward preventing the enactment of the so-called Chinese Exclusion Law by the Government of Panama, I send you herewith for your information copy of a note dated February 20, 1915, from the Chinese Minister here to the Department expressing his appreciation of your efforts in this matter.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 819.55/64.

The Secretary of State to the Minister of China.

No. 59.] DEPARTMENT OF STATE,
Washington, March 4, 1915.

SIR: Referring to the Department's note No. 48, dated the 4th ultimo, in relation to a bill pending in the National Assembly of Panama, for the exclusion of Chinese from that Republic, I have the honor to enclose herewith, for your information, an extract from despatch No. 397, dated January 30, 1915, and a copy of despatch No. 400, dated February 5, 1915, from the American Minister to Panama, showing the status of the bill on the latter date.

Accept [etc.]

W. J. BRYAN.

File No. 819.55/64.

The Secretary of State to Minister Price.

No. 109.] DEPARTMENT OF STATE,
Washington, March 4, 1915.

SIR: The Department is in receipt of your despatches Nos. 397 and 400, dated respectively January 30, 1915, and February 5, 1915, in relation to a bill pending in the National Assembly of Panama for the exclusion of Chinese from that Republic.

In reply you are informed that the substance of despatch No. 397 and a copy of despatch No. 400 have been sent to the Chinese Minister at this capital, for his information.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 819.55/68.

No. 115.] DEPARTMENT OF STATE,
Washington, March 17, 1915.

SIR: The Department has received your No. 422 of February 25 last, in which you enclose a copy of your note to the Panaman Secretary of Foreign Affairs, expressing your appreciation of his services in checking additional anti-Chinese legislation which had been proposed in the National Assembly of Panama.

The Department approves your action in the matter.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

File No. 819.55/69.

Consul General Snyder to the Secretary of State.

AMERICAN CONSULATE GENERAL,
Panama, April 10, 1915.

SIR: I have the honor to inform you that under recent legislation, immigrants coming third class or as deck passengers to Panama

are required to deposit $30 with the Government pending presentation of proof that they have obtained permanent work.

This law was passed, it is claimed, to avoid a possible future menace as a result of the bad financial condition of the country and the number of West Indians and others who have arrived lately and failed to obtain work owing to the completion of the Canal.

I have [etc.]

ALBAN G. SNYDER.

File No. 819.55/70.

Minister Price to the Secretary of State.

No. 491.] AMERICAN LEGATION,
Panama May 3, 1915.

SIR: I have the honor to acknowledge instruction No. 107 of March 2 last, transmitting a copy of a note from the Chinese Minister in Washington expressing appreciation of the services of the Department and of this Legation in preventing the passage by the last National Assembly of Panama of additional and severe anti-Chinese legislation.

For the information of the Department I enclose herewith a copy of a note dated March 2 from the Chinese Consul General here, expressing his gratefulness for the efforts of the Legation in said matter, and enclosing a copy of a note he had filed with the Secretary of Foreign Affairs of Panama along the line of my note to the last named, a copy of which went to the Department with my despatch No. 422 of February 25, the Department's approval of which in its instruction No. 115 of March 17th is gratifying.

I also enclose a copy of another note from said Consul General of date of March 24, conveying, pursuant to cable instruction, the thanks of the Government of Peking in the same matter.

A few days since a delegation of Chinese merchants called at the Legation and in addition to expressing their gratitude verbally for the extension of good offices and its successful result in said matter, presented to me a handsome silver loving-cup, bearing the following inscription: "To the Honorable William Jennings Price, presented by the Chinese Colony, Panama, R. P., 27th March, 1915." (Same in Chinese characters.) A note in Chinese and English, a copy of the latter text of which I enclose (enclosure No. 3), accompanied the presentation of the gift. The gift came as a complete surprise. Having no official character, but being the bestowal of individual Chinese—and the above details, including a copy of the inscription, are given that the Department may be fully acquainted with the facts—I perceived no impropriety in accepting it.

I did not fail, of course, properly to acknowledge the above communications.

I have [etc.]

WM. JENNINGS PRICE.

[Inclosure 1.]

The Chinese Consul General to Minister Price.

CHINESE CONSULATE GENERAL,
Panama, March 2, 1915.

EXCELLENCY: I have the honor to acknowledge the receipt of your note as well as the copy of the communication which your excellency had written and conveyed to Señor Ernesto T. Lefevre, the Secretary of Foreign Affairs of Panama, dated February 25, 1915, pertaining to the anti-Chinese legislation [etc.]

It was apparent that a severe law would have been enacted if the good offices of the United States had not arrived in time, and words cannot express my gratitude for the effect of the skillful and amicable intervention of your excellency. And I hereby have the honor, in the name of the whole Chinese Colony, to manifest profound gratefulness to your excellency. I had also informed my Government at Peking in reference to the great service done by your excellency in protecting the Chinese citizens domiciled in the territory of the Republic of Panama.

As the Secretary of Foreign Affairs, Señor Ernesto T. Lefevre, had verbally promised me emphatically during my visit with your excellency in the Secretary's office, that certain severe provisions of Law 50 of 1913 would continue unenforced as in the past, I have delivered to Señor Lefevre a note a few days ago in order to verify his words. I have not the pleasure to get an answer to it yet. Copy of my note is herewith enclosed.

I avail [etc.]

FONG TSIANG KWANG.

[Subinclosure.]

The Chinese Consul General to the Secretary of Foreign Relations.

CHINESE CONSULATE GENERAL,
Panama, February 27, 1915.

EXCELLENCY: I have the honor to thank your excellency heartily for your action in regard to the anti-Chinese legislation before the National Assembly.

Through the medium of Mr. William J. Price, the American Minister, who extended his good offices in the matter, your excellency said emphatically to us that the Chinese shall be no more molested, and assured us that while your excellency was Secretary of Foreign Relations the Chinese would enjoy entire liberty and rights.

There is no doubt, in view of your kind speech, that the provisions of Law 50 requiring the deposit of five hundred pesos of silver by those who have no "cédulas" and re-registration every six months, will be held in abeyance. I should be glad, nevertheless, if your excellency would kindly communicate to me your attitude upon the two above important points in a note with which, translated into Chinese, I may show the goodness of your excellency to the Chinese Government at Peking and to every Chinese here who may be in doubt.

With my highest consideration [etc.]

FONG TSIANG KWANG.

[Inclosure 2.]

The Chinese Consul General to Minister Price.

CHINESE CONSULATE GENERAL,
Panama, March 24, 1915.

EXCELLENCY: I have the honor to inform your excellency that I am instructed, by a cablegram recently received from my Government, to express deep gratefulness to your excellency for the good offices which your excellency used with an entirely satisfactory result in behalf of the whole Chinese colony domiciled in the territory of the Republic of Panama, in regard to the anti-Chinese legislation by the National Assembly of Panama, of which I had informed my Government.

In reference to the passports of those Chinese who might enter the United States, I am instructed by our Minister in Washington that my Government had already arranged with that of the United States that any Chinese who might

have the right to go into the territory of the United States, and possessing a certificate issued by the Chinese Consul General in Panama, should have the visé of the American Minister or similar officials.

I avail [etc.]

FONG TSIANG KWANG.

[Inclosure 3.]

Certain Chinese residents to Minister Price.

PANAMA, *April 11, 1915.*

SIR: We the undersigned, Chinese citizens, and members of the Chinese Colony residing in the Republic of Panama, have the honor hereby, through our representatives, to tender our deep and inexhaustible gratitude to your excellency for the good offices near the Panaman Government in regard to anti-Chinese legislation, used by your excellency, whose amicable attitude, diplomatic ability, and just influence assisted our Consul General, Mr. Fong Tsiang Kwang, to obtain the suspension of the anti-Chinese law in the last National Assembly of Panama.

In remembrance of the above fact, let us have the honor cordially to present to your excellency the insignificant gift herewith; and please accept, Sir, the assurances of our highest consideration and esteem.

We have [etc.]

[SIGNATURES.]

File No. 819.55/70.

The Secretary of State to Minister Price.

No. 147.] DEPARTMENT OF STATE,
Washington, May 19, 1915.

SIR: The Department has received your No. 491 of the 3d instant, in which you enclose copies of notes from the Chinese Consul General at Panama, expressing his gratitude and that of his Government for the good offices of your Legation in preventing the passage by the last National Assembly of Panama of severe anti-Chinese legislation. You also state that a delegation of Chinese merchants called at your Legation and, while expressing their gratitude orally to you, presented to you a handsome silver loving-cup in token of their appreciation of your action.

In view of your efforts and the private source of the gift mentioned, the Department approves your acceptance of the cup and is glad to note so pleasant an appreciation of your services as the notes from the Chinese Consul General and the gift from the Chinese colony indicate.

I am [etc.]

For the Secretary of State:
ROBERT LANSING.

PARAGUAY.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND PARAGUAY.

Signed at Asuncion, August 29, 1914; ratification advised by the Senate, October 22, 1914; ratified by the President, October 26, 1914; ratified by Paraguay, March 9, 1915; ratifications exchanged at Asuncion, March 9, 1915; proclaimed, March 17, 1915.

Treaty Series No. 614.]

By the President of the United States of America.

A PROCLAMATION.

Whereas a Treaty between the United States of America and the Republic of Paraguay looking to the advancement of the cause of general peace was concluded and signed by their respective Plenipotentiaries at Asunción on the twenty-ninth day of August, one thousand nine hundred and fourteen, the original of which treaty, being in the English and Spanish languages, is word for word as follows:

TREATY OF PEACE BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF PARAGUAY

The United States of America and the Republic of Paraguay, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose and to that end have appointed as their plenipotentiaries:

The President of the United States, His Excellency Daniel F. Mooney, Envoy Extraordinary and Minister Plenipotentiary; and

The President of Paraguay His Excellency D. Manuel Gondra, Minister of Foreign Relations;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

ARTICLE I

The high contracting parties agree that all disputes between them, of every nature whatsoever, which diplomacy shall fail to adjust, shall be submitted for investigation and report to an International Commission, to be constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation, and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments. The expenses shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed within the four months following the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report.

The International Commission may, however, act upon its own initiative, and in such case it shall notify both Governments and request their cooperation in the investigation.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have been initiated, unless the high contracting parties shall protract the term by mutual consent. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its archives.

The high contracting parties reserve the right to act independently on the subject-matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Republic of Paraguay, with the approval of the Congress thereof; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years, and it shall thereafter remain in force until one year after one of the high contracting parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in Asuncion on the twenty-ninth of August, in the year of our Lord nineteen hundred and fourteen.

DANIEL F MOONEY [SEAL.]
M. GONDRA [SEAL.]

And whereas, the said Treaty has been duly ratified on both parts and the ratifications of the two governments were exchanged in the City of Asunción on the ninth day of March, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this seventeenth day of March in the year of our Lord one thousand nine hundred and fifteen, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON

By the President:
W. J. BRYAN,
Secretary of State.

AGREEMENT BETWEEN THE UNITED STATES AND PARAGUAY EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE 2 OF THE TREATY OF AUGUST 29, 1914, EFFECTED BY EXCHANGE OF NOTES.

Treaty Series No. 614–A.]

The Secretary of State to the Minister of Paraguay.

DEPARTMENT OF STATE,
Washington, November 16, 1915.

SIR: The time specified in the Treaty of August 29, 1914, between the United States and Paraguay, looking to the advancement of the general cause of peace, for the appointment of the International Commission having expired, without the United States non-national Commissioner, the Paraguayan Commissioners and the Joint Commissioner being named, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended from July 9, 1915, to January 15, 1916.

Your formal notification in writing, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT LANSING.

The Consul General of Paraguay to the Secretary of State.

CONSULADO GENERAL DEL PARAGUAY EN NUEVA YORK
November 22, 1915.

SIR: Replying to the note of your excellency of the sixteenth instant addressed to his excellency, Dr. Héctor Velazquez, Minister of Paraguay, suggesting an extension until January fifteenth, 1916, for the completion of the International Commission provided by the

Treaty of August twenty-ninth, 1914, I beg to advise that, in the absence of Dr. Velázquez, I communicated with the Government at Asunción by cable as follows: "Lansing suggests exchange notes extension time to January fifteen next appointment Peace Treaty Commissioners," to which I am in receipt to-day of a cable message reading as follows: "Suggestion accepted you are authorized exchange notes. Gondra."

I therefore, by virtue of this authority, accept formally on the part of the Government of Paraguay your excellency's suggestion for an extension until the date mentioned, and beg to give assurance that your excellency's note will be regarded as giving full effect to such extension.

I have the honor to be, Sir,

Very respectfully,

WM. WALLACE WHITE.

BOUNDARY AGREEMENT BETWEEN BOLIVIA AND PARAGUAY.

(*See* Bolivia.)

PERU.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND PERU.

Signed at Lima, July 14, 1914; ratification advised by the Senate, August 20, 1914; ratified by the President, December 1, 1914; ratified by Peru, January 26, 1915; ratifications exchanged at Lima, March 4, 1915; proclaimed, March 6, 1915.

Treaty Series No. 613.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Treaty between the United States of America and the Republic of Peru looking to the advancement of the cause of general peace was concluded and signed by their respective Plenipotentiaries at Lima, on the fourteenth day of July, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Republic of Peru, with the earnest desire to strengthen their bonds of friendship and to contribute to the development of the spirit of universal peace, have resolved upon the celebration of a treaty containing the rules for the practice of these high proposals, and to that end have nominated as their plenipotentiaries:

The President of the United States, Benton McMillin, Envoy Extraordinary and Minister Plenipotentiary of the United States in Peru; and

The President of Peru, Doctor J. Fernando Gazzani, Minister of Foreign Relations;

Who, after having examined their full powers, which were found in due form, have agreed upon the following articles:

ARTICLE I

The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to an International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, two named by each one of the respective Governments and one named jointly by them. The designations made by each Government can only devolve one on a citizen of the State itself and the other on a citizen of a third country. The designation of the fifth member can not devolve upon a citizen of either of the two interested nations.

Each of the High Contracting Parties reserves to itself the right to withdraw its two Commissioners, or one of them, before the initiation of the investigations, and, within the same period, to withdraw its agreement to the joint designation of the fifth member. In these cases, they shall proceed to replace them according to the forms above laid down.

During the period of investigation the Commissioners shall receive such pecuniary compensation as shall be agreed upon by the High Contracting Parties.

The Commission, whose expenses shall be met in equal parts by the two Governments, shall be appointed a short time after the exchange of the ratifications of the Treaty; and to provide for possible vacancies on it, the same rules shall be applied as in the original designations.

ARTICLE III

The questions which divide the High Contracting Parties should they be incapable of solution by diplomatic means, shall be submitted immediately to the International Commission for its investigation and report.

The International Commission may, however, by unanimous agreement, spontaneously offer its services to that effect, and in such case it shall notify both Governments, and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the International Commission all means and all facilities for the investigation and report.

The report shall be presented in the maximum period of one year, but the High Contracting Parties, by mutual accord, may shorten or extend this period. The report shall appear in three copies.

The Commission shall reserve one of the copies for its archives and deliver the other two to the Governments interested.

The High Contracting Parties reserve the right to act independently in the question dealt with in the investigations after the issue of the report.

ARTICLE IV

The ratifications of this Treaty shall be made by the President of the United States of America by and with the advice and consent of the Senate; and by the President of Peru if the Legislative Power shall give its approval in conformity with the Constitution and the laws. The exchange of ratifications shall take place as soon as possible, and immediately afterward this Treaty shall take effect for a period of five years, at the end of which it will remain in effect until twelve months after the day on which one of the Parties advises the other of its intention of terminating it.

In witness whereof, we the respective plenipotentiaries have signed the present treaty, in duplicate, in the English and Spanish languages and have hereunto affixed our respective seals.

Done at Lima the fourteenth day of July, in the year of our Lord one thousand nine hundred and fourteen.

BENTON MCMILLIN. [SEAL.]
J. FERNANDO GAZZANI. [SEAL.]

And whereas the said Treaty has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Lima, on the fourth day of March, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this sixth day March in the year of our Lord one thousand nine hundred and fifteen, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.

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PORTUGAL.

AGREEMENT BETWEEN THE UNITED STATES AND PORTUGAL EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE 2 OF THE TREATY OF FEBRUARY 4, 1914, EFFECTED BY EXCHANGE OF NOTES.

Treaty Series No. 600–A.

The Secretary of State to the Minister of Portugal.

DEPARTMENT OF STATE,
Washington, November 16, 1915.

SIR: The time specified in the Treaty of February 4, 1914, between the United States and Portugal, looking to the advancement of the general cause of peace, for the appointment of the International Commission having expired, without the United States non-national Commissioner, the Portuguese Commissioners and the Joint Commissioner being named, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended from April 24, 1915 to April 24, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT LANSING.

The Minister of Portugal to the Secretary of State.

LEGAÇÃO DE PORTUGAL NOS ESTADOS UNIDOS,
Washington, November 16th, 1915.

SIR: I have the honour to acknowledge the receipt of your note of today's date suggesting the extension from April 24, 1915, to April 24, 1916, of the time within which the organization of the International Commission provided for in the Treaty of February 4, 1914, between Portugal and the United States looking to the advancement of the general cause of peace, may be completed.

I have the honour to inform you that the Portuguese Government fully concur with the suggestion made by the American Government and that this exchange of notes will be regarded by them as sufficient to give effect to the extension.

I avail myself of this opportunity in order to convey to you, Sir, the renewed assurance of my highest consideration.

ALTE.

RUSSIA.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND RUSSIA.

Signed at Washington, October 1/September 18, 1914; ratification advised by the Senate, October 13, 1914; ratified by the President, January 23, 1915; ratified by Russia, December 23, 1914; ratifications exchanged at Washington, March 22, 1915; proclaimed, March 25, 1915.

Treaty Series No. 616.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION

Whereas a Treaty between the United States of America and Russia looking to the advancement of the cause of general peace, was concluded and signed by their respective Plenipotentiaries at Washington on the first day of October, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and French languages, is word for word as follows:

TREATY FOR THE SETTLEMENT OF DISPUTES.

The President of the United States of America and His Majesty the Emperor of all the Russias, desiring to strengthen the friendly relations which unite their countries and to serve the cause of general peace, have decided to conclude a Treaty for these purposes and have consequently appointed their Plenipotentiaries designated hereinafter, to wit:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State of the United States; and

His Majesty the Emperor of all the Russias, His Excellency G. Bakhmeteff, Master of His Court and His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after exhibiting to each other their Full Powers found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

Any differences arising between the Government of the United States of America and the Imperial Government of Russia, of whatever nature they may be, shall, when diplomatic proceedings have failed, be submitted for examination and report to a Permanent International Commission constituted in the manner prescribed in the following article; likewise the High Contracting Parties agree not to resort, with respect to each other, to any acts of force during

the examination to be made by the Commission and before its report is handed in.

ARTICLE II.

The International Commission shall be composed of five members appointed as follows: Each Government shall designate two members; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the Commission; he shall perform the duties of President.

The two Governments shall bear by halves the expenses of the Commission.

The Commission shall be organized within six months from the exchange of ratifications of the present Convention.

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise shall be filled in the manner followed for the original appointment.

ARTICLE III.

In case a difference should arise between the High Contracting Parties which is not settled by diplomatic methods, each Party shall have a right to ask that the examination thereof be intrusted to the International Commission charged with making a report. Notice shall be given to the President of the International Commission, who shall at once communicate with his colleagues.

As regards the procedure which it is to follow, the Commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of Convention I of The Hague of 1907.

The High Contracting Parties agree to afford the Commission, as fully as they may think possible, all means and all necessary facilities for its examination and its report.

The work of the Commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the High Contracting Parties should agree to set a different period.

The conclusion of the Commission and the terms of its report shall be adopted by a majority. The report, signed only by the President acting by virtue of his office, shall be transmitted by him to each of the Contracting Parties.

The High Contracting Parties reserve full liberty as to the action to be taken on the report of the Commission.

ARTICLE IV.

The present Treaty shall be ratified by the President of the United States of America, with the advice and consent of the Senate of the United States, and by His Majesty the Emperor of all the Russias.

It shall go into force immediately after the exchange of ratifications and shall last five years.

If it has not been denounced at least six months before the expiration of this period it shall be tacitly renewed for a period of twelve

months after either party shall have notified the other of its intention to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the present Treaty and have affixed thereunto their seals.

Done at Washington this $\frac{1 \text{ October,}}{18 \text{ September,}}$ 1914.

[SEAL.] WILLIAM JENNINGS BRYAN
[SEAL.] G. BAKHMÉTEFF

And whereas, the said Treaty has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington on the twenty-second day of March, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-fifth day of March in the year of our Lord one thousand nine hundred and fifteen, and of the Independence of the United States of America the one hundred and thirty-ninth.

[SEAL.]

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.

PROTOCOL OF AGREEMENT BETWEEN THE UNITED STATES AND RUSSIA CONCERNING THE EXPORTATION OF EMBARGOED GOODS FROM RUSSIA TO THE UNITED STATES.

Treaty Series No. 618.]

In order to facilitate the commercial relations between the United States of America and Russia, in view of the embargo which has been placed by the Government of Russia upon the exportation of certain articles from Russia, the undersigned Robert Lansing, Secretary of State of the United States, and His Excellency George Bakhméteff, Ambassador Extraordinary and Plenipotentiary of Russia to the United States, duly authorized thereto by their respective Governments, have agreed upon the following conditions under which American citizens or firms may secure release of shipments under special permission from the Imperial Russian Government, to-wit:

1.

Whenever an American merchant or firm desires to make importations from Russia he or they shall first file an application for such importation with the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce of the United States, which application shall set forth in detail information regarding the proposed importations,

the commodities, the character of the goods, their quantities and values, the methods of payment, and the name of the Russian export firm, as well as any other details which may be required.

2.

The American importer shall further state in the application his preparedness to file with the proper Russian official in the United States a bond to the Imperial Russian Government, to the amount of the value of the goods at the port of importation as of day prior to the date of the execution of the bond. This bond shall run for a period of at least three years or until the conclusion of the war; and the said bond shall guarantee that the commodities, raw materials, or products manufactured therefrom, which it is desired to import, shall not be exported from the United States to any country unless special permission therefor be granted by the Imperial Russian Government or its representative.

3.

Upon the American importer complying with the requirements of conditions numbered one and two, the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce of the United States shall then make inquiries as to the standing and responsibility of the American importer, and as to such other details with respect to him as may be deemed to be required; and should he find that such importer is satisfactory in all respects, he shall approve the application and forward it to the Imperial Russian Embassy at Washington or to its representative.

4.

Upon the said application receiving the approval of the Imperial Russian Embassy or its representative, the Imperial Russian Embassy or its representative will at once seek by cable the permission of the Imperial Russian Minister of Finance for the exportation of the goods in question, it being understood that the American importer will deposit with the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce a sum sufficient to cover all costs of cabling and incidental expenses. If permission for exportation be granted by the Imperial Russian Government, the American importer shall then submit his order to the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce for approval and the order shall be made out in such a way that the goods to be imported shall be consigned to the order of the Secretary of Commerce of the United States.

5.

When permission for the exportation of the goods shall have been procured from the Imperial Russian Minister of Finance, the American importer shall execute his bond and file it with the proper Russian official in the United States for approval. Upon the receipt of

this approval by the Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce the consignment may be released to the American importer.

6.

Should it be found that the terms of the bond have been violated and that the goods in question have been exported from the United States either in their original form or in manufactured form, except with the specific approval of the Imperial Russian Government or its representative, the bond shall be forfeited to the Imperial Russian Government.

7.

The Commercial Agent in charge of the New York office of the Bureau of Foreign and Domestic Commerce of the Department of Commerce shall transmit to the Imperial Russian Commercial Attaché a statement setting forth the applications which have been made for importations of Russian goods into the United States and a statement of the actual arrivals of such goods, and these statements shall be made in triplicate on the first and fifteenth of each month.

8.

It is understood that in case the Imperial Russian Government does not approve an application it is not bound in any way to give an explanation of the reasons of its refusal as these might be justified by considerations of State policy.

9.

It is understood that this agreement shall go into operation on September 23rd, 1915, and shall remain in force during the continuance of the embargo. If, however, American importers desire to import goods which have been purchased prior to the date above mentioned, such arrangements may be made under the usual procedure but will be subject to the special approval of the Imperial Russian Minister of Finance.

In witness whereof the undersigned have hereunto signed their names and affixed their seals.

Done at Washington this 23rd day of September, 1915.

ROBERT LANSING [SEAL.]
G BAKHMÉTEFF [SEAL.]

SALVADOR.

MESSAGE OF THE PRESIDENT, ALFONSO QUIÑONES M., TO THE NATIONAL ASSEMBLY.

File No. 816.032/14.

Minister Long to the Secretary of State.

No. 30.] AMERICAN LEGATION,
San Salvador, February 23, 1915.

SIR: I have the honor to transmit herewith copies of the Annual Message which the President of Salvador delivered at the opening of Congress on February 15. The attention of the Department is respectfully called to that part of the message which deals with foreign relations and particularly the protest of Salvador to the Nicaraguan canal convention.

I have [etc.]

BOAZ W. LONG.

[Inclosure—Translation—Extract.]

The Executive being jealous for all that intimately affects the important interests of the nation, and in view of the desire of the United States of America to establish a naval station in the Gulf of Fonseca, instructions were given to the Minister of Salvador in Washington to present a protest to the American Department of State, and this was done[1] under date of October 21, 1913, and was answered[2] by the Secretary of State, Mr. Bryan, on February 18, 1914, in terms which will be furnished you by the appropriate office.

The reply made to this note by our Minister in Washintgon, Dr. Francisco Dueñas, was limited to the refutation in moderate and prudent terms of the allegations of the American note, and the clearer exposition of the justice of our cause.[3]

Animated by the spirit of Central American loyalty, and owing to the fact that the Nicaraguan treaty is now pending ratification by the American Senate, in which treaty a stipulation is made for an American protectorate over our sister Republic, instructions were sent to our diplomatic representative in Washington, Dr. Carlos A. Meza, to make a new protest after consultation with the diplomatic representative of Costa Rica. This was done on July 8, 1914, in a note to the American Department of State,[4] which will be reported to you by the Secretary for Foreign Affairs.

The reply[5] of the American Government, because of its conciliatory tone, and the sense and scope which good diplomacy must give to the substantial recognition of our right to forbid any infringement of Central American law and order to our detriment, deserves to be given to you in full, as follows:

[Quotes the Department's note of July 16, 1914.[4]]

Our Legation wishing to conclude an understanding in which unequivocal form should be given to the recognition of our right to maintain inviolate the autonomy of Central America, another note of explanation was written, July 22 [21], 1914 which deserves reproduction here because of the importance of the question and the invulnerability of the position assumed by Salvador. It is as follows:

[Quotes Mr. Meza's note of July 21, 1914.][6]

PROTEST OF SALVADOR AGAINST A PROPOSED NICARAGUA CANAL TREATY.

(*See* Nicaragua.)

[1] For. Rel. 1913, p. 1027.
[2] For. Rel. 1914, p. 954.
[3] Id. 956.
[4] Id. 960.
[5] Id. 961.
[6] Id. 962.

SPAIN.

AGREEMENT BETWEEN THE UNITED STATES AND SPAIN EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE 2 OF THE TREATY OF SEPTEMBER 15, 1914, EFFECTED BY EXCHANGE OF NOTES.

Treaty Series No. 605–A.]

The Secretary of State to the Spanish Ambassador.

DEPARTMENT OF STATE,
November 16, 1915.

EXCELLENCY: The time specified in the Treaty of September 15, 1914, between the United States and Spain, looking to the advancement of the general cause of peace, for the appointment of the International Commission having expired without the United States nonnational Commissioner, the Spanish Commissioners and the Joint Commissioner being named, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended from June 21, 1915, to February 15, 1916.

Your formal notification in writing that your Government receives the suggestion favorably will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

Accept, excellency, the renewed assurances of my highest consideration.

ROBERT LANSING.

The Spanish Ambassador to the Secretary of State.

[Translation.]

EMBASSY OF SPAIN,
Washington, December 20, 1915.

MR. SECRETARY: With reference to your excellency's note of November 16 last, I have the honor to inform you that His Majesty's Government, according to a telegram I have received, concurs in extending from the 21st of June, 1915, to the 15th of February, 1916, the time set by the Treaty of September 15, 1914, for the appointment of the International Commission therein specified.

In so informing your excellency, I avail myself of this opportunity to renew to you the assurance of my highest consideration.

JUAN RIAÑO.

PROTECTION OF SPANISH INTERESTS IN MEXICO BY THE UNITED STATES.

(*See* Mexico.)

SWEDEN.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND SWEDEN.

Signed at Washington, October 13, 1914; ratification advised by the Senate, October 22, 1914; ratified by the President, January 4, 1915; ratified by Sweden, November 13, 1914; ratifications exchanged at Washington, January 11, 1915; proclaimed, January 12, 1915.

Treaty Series No. 607.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, a Treaty between the United States of America and Sweden looking to the advancement of the cause of general peace, was concluded and signed by their respective Plenipotentiaries at Washington, on the thirteenth day of October, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and French languages, is word for word as follows:

TREATY FOR THE SETTLEMENT OF DISPUTES.

The President of the United States of America and His Majesty the King of Sweden, desiring to strengthen the friendly relations which unite their two countries and to serve the cause of general peace, have decided to conclude a treaty for these purposes and have consequently appointed the plenipotentiaries designated hereinafter, to-wit:

The President of the United States of America, the Honorable William Jennings Bryan, Secretary of State of the United States; and

His Majesty the King of Sweden, Mr. W. A. F. Ekengren, His Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after exhibiting to each other their full powers, found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

Any disputes arising between the Government of the United States of America and the Government of His Majesty the King of Sweden, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to arbitration, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the following article.

The High Contracting Parties agree not to resort, with respect to each other, to any act of force during the investigation to be made by the Commission and before its report is handed in.

ARTICLE 2.

The International Commission shall be composed of five members appointed as follows: Each Government shall designate two members, only one of whom shall be of its own nationality; the fifth member shall be designated by common consent and shall not belong to any of the nationalities already represented on the Commission; he shall perform the duties of President.

In case the two Governments should be unable to agree on the choice of the fifth commissioner, the other four shall be called upon to designate him, and failing an understanding between them, the provisions of article 45 of The Hague Convention of 1907 shall be applied.

The Commission shall be organized within six months from the exchange of ratifications of the present convention.

The members shall be appointed for one year and their appointment may be renewed. They shall remain in office until superseded or reappointed, or until the work on which they are engaged at the time their office expires is completed.

Any vacancies which may arise (from death, resignation, or cases of physical or moral incapacity) shall be filled within the shortest possible period in the manner followed for the original appointment.

The High Contracting Parties shall, before designating the Commissioners, reach an understanding in regard to their compensation. They shall bear by halves the expenses incident to the meeting of the Commission.

ARTICLE 3.

Differences that may happen to occur between the High Contracting Parties and should fail of settlement by diplomatic methods shall be forthwith referred to the examination of the International Commission which will undertake to make a report. By a note addressed to the Internatinal Bureau of the Permanent Court at The Hague, which shall communicate it without delay to both Governments, the President may remind the Parties that the services of the International Commission are at their disposal.

ARTICLE 4.

The two High Contracting Parties shall have a right, each on its own part, to state to the President of the Commission what is the subject-matter of the controversy. No difference in these statements, which shall be furnished by way of suggestion, shall arrest the action of the Commission.

In case the cause of the dispute should consist of certain acts already committed or about to be committed, the Commission shall as soon as possible indicate what measures to preserve the rights of each party ought in its opinion to be taken provisionally and pending the delivery of its report.

ARTICLE 5.

As regards the procedure which it is to follow, the Commission shall as far as possible be guided by the provisions contained in articles 9 to 36 of Convention 1 of The Hague of 1907.

The High Contracting Parties agree to afford the Commission all means and all necessary facilities for its investigation and report.

The work of the Commission shall be completed within one year from the date on which it has taken jurisdiction of the case, unless the High Contracting Parties should agree to set a different period.

The conclusion of the Commission and the terms of its report shall be adopted by a majority. The report, signed only by the President acting by virtue of his office, shall be transmitted by him to each of the Contracting Parties.

The High Contracting Parties reserve full liberty as to the action to be taken on the report of the Commission.

ARTICLE 6.

The present treaty shall be ratified by the President of the United States of America, upon his being authorized thereto by the American Senate, and by His Majesty the King of Sweden.

The ratifications shall be exchanged at Washington as soon as possible and the treaty shall go into force on the day of the exchange of ratifications.

Its duration shall be five years counted from the exchange of ratifications.

Unless denounced six months at least before the expiration of the said period it shall continue by tacit renewal for another period of five years and so on in periods of five years unless denounced.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Washington this 13th day of October, in the year nineteen hundred and fourteen.

[SEAL.] WILLIAM JENNINGS BRYAN
[SEAL.] W. A. F. EKENGREN

And whereas, the said Treaty has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington on the eleventh day of January, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twelfth day of January in the year of our Lord one thousand nine hundred and fifteen, and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.

AGREEMENT BETWEEN THE UNITED STATES AND SWEDEN EXTENDING TIME FOR APPOINTMENT OF THE COMMISSION UNDER ARTICLE 2 OF THE TREATY OF OCTOBER 13, 1914, EFFECTED BY EXCHANGE OF NOTES.

Treaty Series No. 607–A.]

The Secretary of State to the Swedish Minister.

DEPARTMENT OF STATE,
Washington, November 16, 1915.

SIR: The time specified in the Treaty of October 13, 1914, between the United States and Sweden, looking to the advancement of the general cause of peace, for the appointment of the International Commission having expired, without the United States non-national Commissioner being named, I have the honor to suggest for the consideration of your Government that the time within which the organization of the Commission may be completed be extended from July 11, 1915 to January 15, 1916.

Your formal notification in writing, of the same date as this, that your Government receives the suggestion favorably, will be regarded on this Government's part as sufficient to give effect to the extension, and I shall be glad to receive your assurance that it will be so regarded by your Government also.

Accept, Sir, the renewed assurances of my highest consideration.

ROBERT LANSING

The Swedish Minister to the Secretary of State.

LEGATION OF SWEDEN,
Washington, D. C. November 16, 1915.

SIR: I have the honor to inform your excellency that my Government accepts the suggestion contained in your excellency's note of today's date that the time specified in the Treaty of the 13th October 1914, between the United States and Sweden, for the appointment of the International Commission therein provided, be extended from July 11, 1915 to January 15, 1916.

With renewed assurances of my highest consideration I have the honor to remain your excellency's most obedient servant.

W. A. F. EKENGREN.

SWITZERLAND.

PROTECTION BY THE UNITED STATES OF CITIZENS OF SWITZERLAND IN TURKEY.

File No. 704.5467/2.

The President of Switzerland to the Swiss Legation.

[Telegram received at the Legation on November 12, 1914, and copied to the Secretary of State November 14, 1914.]

Please ask the United States Government to kindly cable authorization to its Embassy in Constantinople that United States representatives protect in the Ottoman Empire such citizens of Switzerland as are asking for such protection. This will mostly affect Swiss citizens previously under the protection of Powers now at war with Turkey.

HOFFMAN,
President of Confederation.

File No. 704.5467/1a.

The Secretary of State to Ambassador Morgenthau.

[Telegram.]

DEPARTMENT OF STATE,
Washington, November 14, 1914.

At the request of the Government of Switzerland you will protect its citizens in the Ottoman Empire. This will mostly affect the Swiss citizens previously under the protection of Powers now at war with Turkey.

BRYAN.

File No. 367.54/18.

The Swiss Legation to the Department of State.

[Undated memorandum received March 4, 1915.]

In view of the Cabinet of Washington having accepted the protection of Swiss citizens in Turkey who make such application to the representatives of the United States, and in view of the events at the Dardanelles, please make sure that our compatriots will receive the same protection as Americans.

File No. 367.54/18.

The Secretary of State to Ambassador Morgenthau.

[Telegram.]

DEPARTMENT OF STATE,
Washington, March 4, 1915.

459. In view of situation in Turkey, Swiss Minister here requests that you use your good offices to afford Swiss citizens in Turkey ample protection.

BRYAN.

File No. 367.54/18.

The Department of State to the Swiss Legation.

MEMORANDUM.

The Department of State presents its compliments to the Minister of Switzerland and has the honor to acknowledge the receipt of his memorandum asking, in view of the situation in Turkey, that the American Ambassador at Constantinople be instructed to render Swiss citizens in that country all necessary protection.

The Department has taken pleasure in instructing Ambassador Morgenthau in accordance with the request made in the memorandum of the Swiss Minister.

DEPARTMENT OF STATE,
Washington, March 4, 1915.

File No. 367.54/22.

Ambassador Morgenthau to the Secretary of State.

No. 272.] AMERICAN EMBASSY,
Constantinople, April 3, 1915.

SIR: Referring to the Department's telegraphic instruction No. 450 [459] of March 5 [4], 1915, in regard to the extension of good offices to Swiss citizens in Turkey, I have the honor to transmit herewith copies of the Embassy's first note verbale on this subject to the Sublime Porte, and of its reply, in which it makes certain reservations with respect to the treatment to be accorded to Swiss citizens who reside in the Ottoman Empire. As soon as these reservations are accepted by this Embassy, appropriate instructions will, it is stated, be issued for the recognition of American diplomatic and consular officers in their protection of Swiss interests.

In the past, Swiss citizens have usually placed themselves under French or German protection. Until the entry of Turkey into the present war, Swiss citizens under French protection enjoyed all the rights possessed by French citizens, except that they occasionally had difficulties with the Ottoman authorities over the question of their right to own as Swiss citizens real estate in Turkey, or in the matter of obtaining mining rights, the Swiss Government never having adhered to the Protocol of 1869. The same rule holds good for Swiss citizens under German protection, as this Embassy has been informed that, at the present time, such citizens enjoy all the privileges of German subjects, except in regard to the ownership of real estate.

Since the entry of Turkey into the general war, practically all of the Swiss citizens in Constantinople who were formerly under the protection of the French consular authorities have been temporarily registered as under American protection. It is also possible that the course of events here might lead those Swiss citizens who are now under German protection to dissociate themselves from this in order to be considered under the protection of American consular officers.

It is possible that the principle proposed in the Porte's note of March 22 may not be construed by the Ottoman authorities as having a wider bearing than upon the disputed question of the right of Swiss citizens to hold real property in Turkey. The Political Department of the Swiss Government recently informed this Embassy that it did not desire to press for a solution of this question at the present time. The Embassy has therefore replied to this note of the Porte, as per copy herewith enclosed, stating that without consulting the Swiss Republic it does not feel competent to discuss the proposed reservations with respect to the treatment to be accorded to Swiss citizens, and that it can consequently adhere only provisionally to this principle, pending the approval of the Swiss Government, and on the supposition that the Ottoman Government does not desire to accord to Swiss citizens under American protection a less favorable régime than that which they have enjoyed while under the protection of other embassies.

The Department is respectfully requested to submit copies of the correspondence conducted with the Sublime Porte on this question to the Swiss Government. In provisionally accepting the proposal of the Ottoman Ministry of Foreign Affairs, it has been the desire of the Embassy in order to avoid delay to secure temporary recognition of American diplomatic and consular officers as in charge of Swiss interests, so that whatever assistance should be necessary may be extended during the present emergency, without committing either the Embassy or the Swiss Government to any definite future attitude.

I have [etc.]

H. MORGENTHAU.

[Inclosure 1.]

The American Embassy to the Ministry of Foreign Affairs.

No. 209.] AMERICAN EMBASSY,
Constantinople, March 9, 1915.

NOTE VERBALE.

The Embassy of the United States of America has the honor to inform the Imperial Ministry of Foreign Affairs that, at the request of the Government of Switzerland, it has been instructed by the Department of State to temporarily assume charge of the protection of Swiss interests in Turkey. This Embassy requests, therefore, that the Imperial authorities of the capital and the provinces be instructed to recognize American diplomatic and consular officers in that capacity.

[Inclosure 2—Translation.]

The Ministry of Foreign Affairs to the American Embassy.

No. 62803/59.] MINISTRY OF FOREIGN AFFAIRS,
Constantinople, March 22, 1915.

NOTE VERBALE.

The Ministry of Foreign Affairs has had the honor of receiving the note verbale which the Embassy of the United States of America addressed to it on March 9, 1915, No. 209, to communicate that its Government had, upon the

express desire of Switzerland, charged it with the temporary protection of Swiss interests in Turkey.

The Imperial Government would be disposed to consent to have Swiss citizens protected by the Embassy and the Consulates of the Republic under its jurisdiction, provided that these citizens enjoy the treatment of the nationals of the states which have concluded no treaty or convention whatever with the Sublime Porte.

The Imperial Ministry will not fail to recommend to the Sublime Porte to issue appropriate instructions to the Imperial Authorities of the capital and the provinces, when the Embassy of the United States will kindly adhere to the aforementioned principle.

[Inclosure 3.]

The American Embassy to the Ministry of Foreign Affairs.

AMERICAN EMBASSY,
Constantinople, April 3, 1915.

NOTE VERBALE.

The Embassy of the United States of America has had the honor of receiving the note verbale of the Imperial Ministry of Foreign Affairs of March 22, 1915, No. 62803/59, formulating certain reservations with respect to the treatment to be accorded to citizens of Switzerland who may place themselves under the protection of the American diplomatic and consular officers in the Ottoman Empire. While the Embassy does not feel competent to discuss any reservations without first consulting the Helvetian Republic, it supposes that the Sublime Porte has no intention of causing Swiss citizens to suffer in any way by the transfer of their protection from the embassies which previously have been, or which are still, watching over their interests to the American Embassy, and on this understanding will provisionally adhere to this principle pending the Swiss Government's approval.

File No. 704.5467/3.

Ambassador Morgenthau to the Secretary of State.

No. 286.] AMERICAN EMBASSY,
Constantinople, April 20, 1915.

SIR: Referring to my despatch No. 272 of April 3, 1915, in regard to the protection of Swiss interests in Turkey, I have the honor to transmit herewith, for communication to the Swiss Government should the Department deem it necessary, a copy and translation of the reply of the Sublime Porte to this Embassy's note verbale of April 3, 1915. A copy of this latter note verbale was forwarded to the Department with the aforementioned despatch of this Embassy.

I have [etc.]

H. MORGENTHAU.

[Inclosure—Translation.]

The Ministry of Foreign Affairs to the American Embassy.

No. 83907/76. MINISTRY OF FOREIGN AFFAIRS,
Constantinople, April 15, 1915.

NOTE VERBALE.

In reply to the note verbale of the Embassy of the United States of America dated April 3, 1915. No. 242, in regard to the protection of the interests of

Swiss citizens in the Empire, the Ministry of Foreign Affairs has the honor to point out that the present situation, in which the said Embassy desires to assume such protection, is totally different from that of the time when the diplomatic mission and the consulates of France undertook to exercise it.

For this reason, the conditions laid down in the ministerial note verbale of March 22, 1915, No. 62803/59, had to be formulated for accepting this protection; and, moreover, every State to which a proposition of the nature of that of the Embassy of the Republic is made, has the right to determine the conditions to which it subjects its adherence.

File No. 367.54/22.

The Department of State to the Swiss Legation.

NOTE VERBALE.

The Department of State presents its compliments to the Minister of Switzerland, and in further reply to his memorandum of March 4, asking, in view of the situation in Turkey, that the American Ambassador at Constantinople be instructed to attempt to secure for Swiss citizens in that country the same protection as that granted to Americans, has the honor to transmit herewith copies of notes verbales relative to this matter from the American Embassy at Constantinople to the Ottoman Ministry of Foreign Affairs, dated March 9 and April 3, 1915, and of the replies of the Turkish Foreign Office, dated March 22 and April 15.

In view of the attitude of the Turkish Government on this matter, the Department will be pleased to be informed of the views of the Swiss Government relative thereto.

DEPARTMENT OF STATE,
Washington, May 25, 1915.

File No. 367.54/31.

The Minister of Switzerland to the Secretary of State.

LEGATION OF SWITZERLAND,
Washington, May 29, 1915.

SIR: I have the honor to express to your excellency my best thanks for the verbal note of your Department of May 25, concerning the protection of Swiss citizens in Turkey, whose protection the Government of the United States was kind enough to take over.

I immediately informed my Government of the standpoint taken by the Ministry of Foreign Affairs in Constantinople, i. e. to consent to the protection of Swiss citizens by the American Embassy provided that they enjoy the treatment of the nationals of the States having concluded no treaty or convention whatever with the Sublime Porte.

My Government has now instructed me "to strongly insist with your excellency that the Swiss citizens under American protection in Turkey be assimilated with the citizens of the United States as the Swiss protected by Germany and France have always been assimilated with the nationals of those countries."

I should therefore be much obliged to you for forwarding by cable the foregoing reply of the Swiss Government to the American Embassy in Constantinople, so that it may be in a position to insist

that Swiss citizens under its protection enjoy the same treatment as citizens of the United States.

Personally I beg to add the following explanations:

According to the views of the Swiss Federal Council, a Swiss citizen in the Ottoman Empire enjoys the protection provided for in the treaties in force between Turkey and the Power under whose protection he has placed himself (Salis, Schweizerisches Bundesrecht Vol. II, No. 513). This rule is founded on customary right and was specifically confirmed to the United States by the Swiss Federal Council (note of Federal Councillor Droz to American Minister Washburn in Berne, of January 28, 1891, mentioned in "Moore, Digest of International Law," Vol. II, page 755).

The fact that Turkey itself has shared this view is evidenced in numerous cases, part of which are mentioned in "Salis, Schweiz. Bundesrecht" and, with reference to Swiss under American protection, in Moore's Digest, Vol. II, page 733 and paragraphs 288 and 290.

The American protection would undoubtedly be of no practical effect if our countrymen were to be treated as citizens of countries having concluded no treaties with the Porte.

I beg to avail myself of this opportunity to express to your excellency my appreciation for the valuable defense of the interests of our citizens by the American Embassy in Constantinople.

Accept [etc.]

P. RITTER.

File No. 367.54/25a.

The Secretary of State to the Minister of Switzerland.

No. 276.] DEPARTMENT OF STATE,
Washington, June 2, 1915.

SIR: I have the honor to acknowledge the receipt of your note of May 29, referring to the status of the Swiss citizens in Turkey whose protection the Government of the United States has taken over, and informing the Department that your Government has instructed you "to strongly insist that the Swiss citizens under American protection in Turkey be assimilated with the citizens of the United States as the Swiss protected by Germany and France have always been assimilated with the nationals of those countries."

I regret that it is impossible for the Department to take the position that the Swiss citizens under American protection in Turkey can be assimilated with the citizens of the United States. The position on a matter of this kind which the Department is compelled to assume in accordance with the Constitution and laws of the United States is clearly shown by those pages of Moore's International Law Digest to which you refer in your note. The Department's circulars of June 16, 1871, and December 15, 1871, relative to this matter, there referred to, were as follows:

DEPARTMENT OF STATE,
Washington, June 16, 1871.

To the Diplomatic and Consular Officers of the United States.

GENTLEMEN: His Excellency the President of the Swiss Confederation has expressed to this Department, through the Minister of the United States accredited to that Government, a wish that you would severally extend your pro-

tection to Swiss citizens who may desire it and who may be sojourning at places where there are no diplomatic or consular representatives of that Republic.

This Government has, on more than one occasion, upon the request of friendly powers, given to its diplomatic and consular representatives permission to take upon themselves, with the consent of the government within whose jurisdiction they reside, the function of representing those powers at places where the latter had no such officers. It has understood this to amount simply to the granting of the services of our agents, with their own consent, to meet what has ordinarily been a fortuitous and temporary exigency of the friendly government. When this function is accepted, the diplomatic or consular officer becomes the agent of the foreign government as to the duties he may perform for its citizens or subjects; he becomes responsible to it for his discharge of those duties; and that government is alone responsible for his acts in relation thereto.

With this understanding of the obligations, you are authorized, with the consent of the authorities of the country or place where you officially reside, to extend such protection to Swiss citizens whenever it may be required or needed. It is expected, however, that, in complying with this authority, you will exercise due discretion, and will be careful not to give just cause of offense in any quarter.

I am [etc.]

HAMILTON FISH.

DEPARTMENT OF STATE,
Washington, December 15, 1871.

To the Diplomatic and Consular Officers of the United States.

SIR: Information has reached this Department that the purpose of its Circular No. 11, of the 16th of June last, relative to the protection of citizens of Switzerland, may, in some instances, have been misunderstood. You are consequently informed that you were not, for that purpose, expected to become a diplomatic or consular officer of that Republic, which is prohibited by the Constitution to officers of the United States who are citizens. The intention was that you should merely use your good offices in behalf of any Swiss in your vicinity who might request them in the absence of a diplomatic or consular representative of Switzerland, and with the consent of the authorities where you reside.

I am [etc.]

HAMILTON FISH.

In an instruction dated December 18, 1873, to the American Consul at Smyrna, the Department stated:

In authorizing the Diplomatic and Consular officers of the United States, by the circulars No. 11, of the 16th of June and No. 15 of the 15th of December, 1871, to extend protection to Swiss citizens in certain cases, it was not contemplated that those citizens were to be registered as entitled to the same protection as citizens of the United States. The purpose was to allow the good offices of the Ministers or Consuls to be employed in any particular case in which the Swiss citizen might suppose himself to have been aggrieved when such good offices should be solicited with a view to redress.

Even the employment of good offices on such occasions, however, was made conditional upon the consent of the local authorities.

The Department has already instructed the American Ambassador at Constantinople to use his good offices to afford Swiss citizens in Turkey ample protection, and cannot see its way clear to send any more explicit instructions relative to this matter.

Accept [etc.]

For the Secretary of State:
ROBERT LANSING.

TURKEY.

ATTEMPTED ABROGATION BY TURKEY OF THE CAPITULATIONS. REFUSAL OF THE UNITED STATES TO ACQUIESCE.[1]

File No. 711.673/64.

Ambassador Morgenthau to the Secretary of State.

No. 325.] AMERICAN EMBASSY,
Constantinople, June 7, 1915.

SIR: I have the honor to transmit herewith, for the information of the Department, copies of notes recently exchanged with the Sublime Porte in regard to the attitude of the local authorities in various parts of the Ottoman Empire toward the American consular officers, and toward their intervention with the said authorities in matters concerning American citizens and interests.

Copies of previous notes referred to, that of this Embassy of September 18, 1914, and those of the Sublime Porte of November 26 and December 5, 1915, are also herewith transmitted.

I have [etc.]

H. MORGENTHAU.

[Inclosure 1.]

Ambassador Morgenthau to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Constantinople, September 18, 1914.

HIGHNESS: I have the honor to acknowledge the receipt of Your Highness' letter of the 9th instant,[2] in which you were kind enough to communicate to me the decision taken by the Imperial Government to abrogate the Capitulations commencing October first.

I have submitted to my Government the above decision and the reasons therein set forth.

Acting under instructions from my Government, I have the honor to inform Your Highness that my Government does not acquiesce in the attempt of the Imperial Ottoman Government to abrogate the Capitulations and does not recognize that it has a right to do so; or that its action, being unilateral, has any effect upon the rights and privileges enjoyed under those conventions. I am instructed further to inform the Imperial Ottoman Government that my Government reserves, for the present, the consideration of the grounds for its refusal to acquiesce in the action of the Imperial Ottoman Government, and the right to make further representations later.

I avail [etc.]

H. MORGENTHAU.

[Inclosure 2—Translation.]

The Minister for Foreign Affairs to Ambassador Morgenthau.

No. 57803/133.] SUBLIME PORTE,
MINISTRY OF FOREIGN AFFAIRS,
Constantinople, November, 26, 1914.

The Minister of Foreign Affairs is in receipt of notes verbales in which mention is made of the claims of individuals of foreign nationality who believe

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[1] Continued from For. Rel. 1914, pp. 1090–1094.
[2] Inclosure 1, Despatch 115, September 11, 1914, For. Rel. 1914, p. 1092.

that they have grounds of complaint against the competent Imperial authorities for certain injurious acts; who demand that their rights be respected, and even demand damages.

Since October 1, 1914, the former methods of procedure concerning claims of this sort should cease to be repeated, and whenever foreign subjects shall desire to maintain their rights, they shall address themselves directly to the said Imperial authorities, basing their action to this effect upon the laws, regulations and instructions in force; in case they should not obtain favorable action they shall have recourse, according to the case, to the Imperial Departments from which these authorities depend, to the Council of State if there is occasion, through the channel of the Grand Vizierate, or to judicial proceedings if that course is open to them.

In case their representations should remain fruitless and clauses of treaties or conventions, other than those which are abrogated, should be misinterpreted with regard to them, diplomatic procedure for securing redress of their wrongs could be chosen.

The Imperial Ministry will therefore be obliged, to its great regret, to take no action with regard to private claims which may be communicated to it by the said diplomatic channel when administrative and judicial recourse shall not have been exhausted, and it will be unable to take into consideration those which are not based upon infractions of the precise provisions of treaties in force.

Strictly speaking, it will only be able to receive, by notice, recommendations concerning certain private affairs, and to transmit them, as a matter of simple courtesy, to the Departments concerned, provided that this method of procedure is followed in exceptional cases.

[Inclosure 3—Translation.]

The Minister for Foreign Affairs to Ambassador Morgenthau.

No. 58181/137.] SUBLIME PORTE,
MINISTRY OF FOREIGN AFFAIRS,
Constantinople, December 5, 1914.

MR. AMBASSADOR: I have taken note of the note which your excellency was pleased to address to me on September 18, 1914, in regard to the abrogation of the Capitulations.

The Imperial Ministry does not desire to enter into this question, into considerations upon the treaties which have been concluded in this connection, nor upon the extensive interpretations which have been given to clauses making exceptions to the rights of territorial sovereignty, clauses which, by the very juridical nature of things, should have been restrictively interpreted.

Nor does it try to point out that the part of the agreements and arrangements concluded in favor of the Imperial Government was reduced to the point of making them lose their chief interest. It limits itself to setting forth that the Sublime Porte has, like every state, the right to denounce, at any time, international acts concluded without stipulations of duration.

In effect, no treaty can contain provisions which should perpetuate themselves to eternity, when they deal with matters of commerce, of organization, and of judicial procedure or administration, which should evidently be submitted to the evolution of time.

The Imperial Government has all the more undeniably the right to avail itself of the faculty of denouncing which belongs to it, since the régime of the Capitulations, obsolete and no longer responding to modern needs, even when it is confined within its true contractual limits, threatens its own existence, and renders very difficult the conduct of Ottoman public affairs.

For all of these reasons, the Sublime Porte now feels that it must maintain its point of view as set forth in its note of September 9, 1914, No. 53699/89.

Please accept [etc.]

SAID HALIM.

[Inclosure 4.]

Ambassador Morgenthau to the Minister of Foreign Affairs.

NOTE VERBALE.

No. 285.] AMERICAN EMBASSY,
Constantinople, May 7, 1915.

The Embassy of the United States of America has the honor to inform the Imperial Ministry of Foreign Affairs that it is in receipt of reports from its consuls in various parts of the Empire, notably Bagdad, Aleppo, and Harput (Maamouret-ul-Aziz), in which they state that the provincial authorities have informed them that their direct intervention in matters affecting Americans can no longer be allowed, and that these latter must address their complaints or petitions directly to the said authorities.

At the time when the buildings of the American Schools at Harput were occupied by the military authorities (see this Embassy's note verbale of April 9, 1915, No. 252) the Governor General even informed the American Consul at that place that the latter's protest could not be taken into consideration, as his consular position was no longer recognized. To cite another example, the Kaimakam of Alexandretta refused, and was upheld by the Governor General at Aleppo, to receive a petition from a local American firm through the American Consular Agent at Alexandretta; while at Bagdad the Governor General has notified the American Consul and his various colleagues that hereafter their intercourse with him and with the other local officials must be restricted within certain limits.

Reserving its views in regard to the long-established rights of American consular officers and American citizens in the Ottoman Empire, guaranteed by treaties and usage, the Embassy desires to remind the Imperial Ministry that it is a universally recognized duty, as well as the right, of consular officers in every country to endeavor to assist and to uphold the rights of their nationals when the latter have need of protection, and that no possible interpretation of the general usages of international law can deprive American consular officers of the right of exercising this duty.

While reiterating the attitude of the American Government in the general question, as set forth in this Embassy's note verbale of September 18, 1914, the Embassy finds itself obliged to ask the Sublime Porte to issue without further delay appropriate instructions to the provincial authorities to maintain the correct relations which have always existed between them and the American consular officers in the past.

[Inclosure 5—Translation.]

The Minister for Foreign Affairs to Ambassador Morgenthau.

NOTE VERBALE.

No. 66421/107.] SUBLIME PORTE,
MINISTRY OF FOREIGN AFFAIRS,
Constantinople, May 31, 1915.

The Ministry of Foreign Affairs has had the honor to receive the note verbale which the Embassy of the United States of America was pleased to address to it on May 7, 1915, No. 285, concerning the refusal by certain local authorities in the provinces to admit the intervention of the American consuls in matters which concern their nationals.

It is evident that, in spite of the abrogation of the Capitulations, there is a possibility to admit, under all reserve, that the American consulates continue to be recognized in localities where they have already been formerly recognized; but their functions are reduced to proportions incomparable with the past, within the limits of general public international law and, accordingly, these agents can no longer, as formerly, act as intermediary between one of

their nationals and the Imperial authorities, whether for the receipt, or for the transmission of petitions, judicial acts, or other papers.

Whenever an American citizen shall have need of addressing himself for his affairs to the Imperial Ottoman authorities, he shall do it directly as, moreover, these things are done in every country.

The Imperial Ministry has deemed it proper to set forth its point of view in this connection in its note verbale of November 26, 1914, No. 57803/133, and thinks that the same principles are to be followed in the Empire, where all official recourse of consuls for prejudicial acts of which their nationals make complaint may not be accepted by the Imperial Authorities.

The Valis and Mutessarifs might only receive unofficial requests for certain affairs of a private nature, and send recommendations to the competent imperial authorities provided that this mode of procedure be followed as an exception.

[Inclosure 6.]

Ambassador Morgenthau to the Minister for Foreign Affairs.

AMERICAN EMBASSY,
Constantinople, June 3, 1915.

NOTE VERBALE.

The Embassy of the United States of America has had the honor to receive the note verbale of the Imperial Ministry dated May 31, 1915, No. 66421/107, in regard to the intervention of American consular officers in matters which concern their nationals in the Ottoman Empire.

In reply, this Embassy has the honor to again refer to its notes of September 18, 1914, and of May 7, 1915, No. 285.

File No. 711.673/66.

Ambassador Morgenthau to the Secretary of State.

No. 488.] AMERICAN EMBASSY,
Constantinople, September 22, 1915.

SIR: Referring to my previous despatches relative to the abrogation of the Capitulations by the Ottoman Government, and particularly to my despatch No. 325 of June 7, 1915, I now have the honor to transmit herewith a copy, with translation, of a note verbale from the Sublime Porte, dated September 4, 1915, in which this Embassy is informed that henceforth all communications to the Sublime Porte in which the Capitulations are considered as still in force will be disregarded.

I have [etc.]

H. MORGENTHAU.

[Inclosure—Translation.]

NOTE VERBALE.

No. 79748/183.] SUBLIME PORTE,
MINISTRY OF FOREIGN AFFAIRS,
Constantinople, September 4, 1915.

The Ministry of Foreign Affairs has from time to time had the honor to receive communications in which it is alleged that the Capitulations are to

remain in force, as also notes verbales in which claims are based upon these international documents, or in which are invoked articles of old treaties and principles of a régime now abolished.

The Imperial Ministry in its note of September 9, 1914, No. 53699/89,[3] has already informed the Embassy of the United States of America of the decision of the Sublime Porte to abrogate the Capitulations and has at the same time made known its reasons for it.

It has affirmed and insisted upon this point of view in many subsequent communications, among others in the one of December 5, 1914, No. 58181/137.[4]

As it thinks that it has sufficiently enlarged upon it, it considers all discussion of this point as exhausted, that the above decision of the Imperial Government is irrevocable and that since October 1, 1914, the European international public law must govern the relations of the states and foreign subjects with the Imperial authorities and Ottoman subjects.

Therefore it has the honor to notify the Embassy of the United States that if it receives any communication of the nature above indicated it will, to its regret, find itself in the painful necessity not to give it any effect and to pay no attention to the matter to which it refers.

File No. 711.673/66.

The Secretary of State to Ambassador Morgenthau.

No. 355.] DEPARTMENT OF STATE,
Washington, November 4, 1915.

SIR: The Department acknowledges the receipt of your despatch No. 488, dated September 22, 1915, enclosing a copy and translation of a note verbale from the Sublime Porte, dated September 4, 1915, in which the Embassy is informed that henceforth all communications to the Sublime Porte in which the Capitulations are considered to be still in force will be disregarded.

You are instructed to notify the Ottoman Government that the Department cannot agree with the position taken by it in this matter; but on the contrary holds that a convention by which one country gives the rights of sovereignty within its territory to another country is absolute in its nature, and the grantor, having parted with the rights unconditionally, cannot resume their exercise except by a reconveyance or a formal consent on the part of the grantee who is entitled to exercise them.

Extraterritoriality holds much the same relation to sovereignty over persons that international servitudes hold to sovereignty over territory. In both cases the unconditional grant of sovereign rights cannot be abrogated without the assent of the grantee, the owner.

The chief reason for obtaining the right of extraterritoriality is to insure protection for the life, liberty and interests of the nationals of one state while within the territory of the state granting the right. If the surrender of extraterritorial rights lessens such protection, a government cannot relinquish the right without violating its manifest duty. As to whether the surrender of the right will lessen the safety of its nationals within the foreign territory, their government alone is in a position to decide. Following the practice in similar cases with other countries in which the United States exercised extraterritorial

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[3] For. Rel. 1914, p. 1092.
[4] Ante, inclosure with Mr. Morgenthau's No. 325 of June 7, 1915.

rights under treaty, this Government will, upon the establishment of judicial and administrative reforms in Turkey, consider whether they are of such a character as to warrant the surrender of the extraterritorial rights of American citizens in the Ottoman Empire.

You are instructed to notify the Ottoman Government in conclusion that the United States will hold it responsible for any injury which may be occasioned to the United States or to its citizens, through any interference on the part of Ottoman authorities with the extraterritorial rights possessed by the United States and its citizens in the Ottoman Empire.

I am [etc.]

ROBERT LANSING.

BRITISH PROTECTORATE OVER EGYPT.

(See History of the World War, chapter on Egypt.)

URUGUAY.

TREATY FOR THE ADVANCEMENT OF GENERAL PEACE, CONCLUDED BETWEEN THE UNITED STATES AND URUGUAY.

Signed at Washington, July 20, 1914; ratification advised by the Senate, August 13, 1914; ratified by the President, February 19, 1915; ratified by Uruguay, November 25, 1914; ratifications exchanged at Washington, February 24, 1915; proclaimed, February 26, 1915.

Treaty Series No. 611.]

By the President of the United States of America.

A PROCLAMATION.

Whereas a Treaty between the United States of America and the Republic of Uruguay looking to the advancement of the cause of general peace was concluded and signed by their respective Plenipotentiaries at Washington on the twentieth day of July, one thousand nine hundred and fourteen, the original of which Treaty, being in the English and Spanish languages, is word for word as follows:

The United States of America and the Oriental Republic of Uruguay, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their plenipotentiaries:

The President of the United States, the Honorable William Jennings Bryan, Secretary of State; and

The President of Uruguay, his Envoy Extraordinary and Minister Plenipotentiary to the United States, Señor Dr. Don Carlos Maria de Pena;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

Article I.

The High Contracting Parties agree that all disputes between them, of every nature whatsoever, to the settlement of which previous arbitration treaties or agreements do not apply in their terms or are not applied in fact, shall, when diplomatic methods of adjustment have failed, be referred for investigation and report to a permanent International Commission, to be constituted in the manner prescribed in the next succeeding article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

Article II.

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each

country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. Each of the High Contracting Parties shall have the right to remove, at any time before investigation begins, any Commissioner selected by it and to name his successor, and under the same conditions shall also have the right to withdraw its approval of the fifth Commissioner selected jointly; in which case a new Commissioner shall be selected jointly as in the original selection. The Commissioners shall, when actually employed in the investigation of a dispute, receive such compensation as shall be agreed upon by the High Contracting Parties. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed as soon as possible after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III.

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, by unanimous agreement spontaneously offer its services to that effect, and in such case it shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the permanent International Commission with all the means and facilities required for its investigation and report.

The report of the International Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Uruguay, in accordance with the Constitution and laws thereof; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force until twelve months after one of the High Contracting Parties have given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in Washington on the 20th day of July, in the year nineteen hundred and fourteen.

WILLIAM JENNINGS BRYAN [SEAL.]
CÁRLS MA DE PENA [SEAL.]

And whereas the said Treaty has been duly ratified on both parts and the ratifications of the two Governments were exchanged in the City of Washington on the twenty-fourth day of February, one thousand nine hundred and fifteen;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-sixth day of February in the year of our Lord one thousand nine hundred [SEAL.] and fifteen, and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON

By the President:
W. J. BRYAN
Secretary of State.

MESSAGE OF THE PRESIDENT, JOSÉ BATLLE Y ORDÓÑEZ, TO THE NATIONAL ASSEMBLY.

File No. 833.032/12.

Chargé Schoenfeld to the Secretary of State.

No. 845.] AMERICAN LEGATION,
Montevideo, February 26, 1915.

SIR: I have the honor to transmit herewith the official text of the presidential message. I beg leave respectfully to call the Department's attention to the statement making special mention of the high appreciation in which Minister Nicolay A. Grevstad was held by the Government. Minister Grevstad is described to have won high regard because of "his intelligent and serene activity, inspired in the highest ideals of American solidarity."

I have [etc.]

H. F. ARTHUR SCHOENFELD.

[Inclosure—Extract.]

Several changes have been made in the Diplomatic Corps accredited to the Republic, and the Government desires especially to record its high regard for some of those representatives, such as the Minister of the United States, Mr. Nicolay A. Grevstad, for his calm and intelligent procedure, inspired by the highest ideals of American solidarity.

INTERNATIONAL EXPOSITIONS, CONFERENCES AND CONGRESSES HELD IN THE UNITED STATES.

PANAMA-CALIFORNIA INTERNATIONAL EXPOSITION.

Held at San Diego, Cal., December 31, 1914, through 1915.

[For reports and publications on the exposition, see catalogue of Library of Congress.]

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Held at San Francisco, Cal., February 20–December 4, 1915.

[For reports and publications on the exposition, see catalogue of Library of Congress.]

FIRST PAN-AMERICAN FINANCIAL CONFERENCE, AND INTERNATIONAL HIGH COMMISSION ON UNIFORM LEGISLATION.

Held at Washington, D. C., May 24–29, 1915.

[Printed copy of report of the proceedings filed in the Bureau of Rolls and Library of the Department of State, JX 1424, Fi 491, 1915.

(*See also* Circulars.)

INTERNATIONAL CONGRESS ON EDUCATION.

Held at Oakland, Cal., August 16–28, 1915.

[For report on the congress, see Library of Congress, E 15–2557.]

SECOND PAN-AMERICAN SCIENTIFIC CONGRESS.

Held at Washington, D. C., December 27, 1915 to January 6, 1916.

[Printed copy of the report of the proceedings filed in the Bureau of Rolls and Library of the Department of State, A. S. 4, P2, 1915a.]

INTERNATIONAL CONVENTIONS.

CONVENTION AND FINAL PROTOCOL BETWEEN THE UNITED STATES AND OTHER POWERS FOR THE SUPPRESSION OF THE ABUSE OF OPIUM AND OTHER DRUGS.[1]

Signed at The Hague, January 23, 1912, and July 9, 1913; ratification advised by the Senate, October 18, 1913; ratified by the President, October 27, 1913; ratification of the United States deposited with the Netherlands Government, December 10, 1913; proclaimed, March 3, 1915.

Treaty Series No. 612.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and certain other Powers for the progressive suppression of the abuse of opium, morphine, cocaine, and derivative drugs, was concluded and signed by their respective Plenipotentiaries at The Hague on the twenty-third day of January, one thousand nine hundred and twelve, a certified copy of which Convention, being in the French language is word for word as follows:

[Here follows the text, in French, of the International Opium Convention of January 23, 1912. This is followed by the text of the Final Protocol of the First International Opium Conference, of the same date, also in French. Translations of both were printed in For. Rel. 1912; that of the convention at pp. 196–204, and of the protocol at pp. 193–196.]

And whereas a Final Protocol making certain recommendations was signed by their respective Plenipotentiaries at The Hague, on the ninth day of July, one thousand nine hundred and thirteen, a certified copy of which Final Protocol, being in the French language, is word for word as follows:

[Here follows the French text of the Final Protocol of the Second International Opium Conference, dated July 9, 1913. A translation thereof was printed in For. Rel. 1914, pp. 924, 925.]

And whereas, the said Convention and Final Protocol have been ratified by the Government of the United States of America, by and with the advice and consent of the Senate thereof, and by the Governments of China and the Netherlands, and the ratifications of the said Governments were deposited by their respective Plenipotentiaries with the Government of the Netherlands;

Now, therefore, be it known that I, Woodrow Wilson, President of the United States of America, have caused the said Convention and Final Protocol, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

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[1] See Netherlands: Third International Opium Conference, etc.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this third day of March in the year of our Lord one thousand nine hundred and fifteen, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-ninth.

WOODROW WILSON.

By the President:
W. J. BRYAN
Secretary of State.

NOTE.—Following the above proclamation is the official translation of the convention and the two protocols. These and the above-mentioned translations in For. Rel. 1912 and 1914 are identical.

INDEX.

A.

	Page
Abrogation:	
attempted, of the capitulations by Turkey	1301
provisions of certain treaties	3
Address, annual, of the President to Congress	IX
Advisers, political, financial, and military, in China. *See* China; relations between China and Japan.	
Agreements. *See* Treaties.	
American citizens, expatriation of, by enlistment in foreign armies	25
American citizens in—	
China:	
infringement of trade-mark of the Chesebrough Manufacturing Company	231
taxation	216
Ecuador, imprisonment of M. D. Strong	373
France, liability to military service	384
Italy, liability to military service	554
Mexico:	
advised by the United States to leave	838
depredations on, by Yaqui Indians	839, 841
forced loans imposed upon	983
murder of John B. McManus	866
See Mexico, protection of American citizens, etc.	
Panama:	
assault case of July 4, 1912	1162
fight at Cocoa Grove, February 14, 1915	1186
riot at Colon, April 2, 1915	1194
killing of Corporal Maurice Langdon, U. S. Army, in the riot of April 2, 1915, at Colon	1194
payment of an indemnity for the death of William T. Harrison, due to torture in prison	1240
American claims. *See* Claims.	
American marines, landing in Haiti	476
American National Red Cross, Huai River conservancy	212
American Society, Mexico City, appeals and statements	665, 672, 679, 689, 700, 728, 730, 762.
American trade-marks, infringement in China	231
Arbitration, assault case on American citizens in Panama, protocol	1183
Argentina:	
First Pan American Financial Conference and High Commission. *See* Circulars and conferences and congresses.	
International conference on Mexico. *See* Mexico, international conference, etc.	
message of President Victorino de la Plaza to the Congress	28
Armies, foreign, enlistment of Americans in	25
Arms and ammunition, embargo on the exportation from Dominican Republic to Haiti	490
Arms and ammunition, embargo on the exportation to Mexico	780
proclamation by the President	772, 780
purchase or manufacture by China. *See* China; relations between China and Japan.	
Arrangement. *See* Treaties.	
Arrest of foreign consular officers in the United States	404
Assault cases on American citizens in Panama:	
riot at Cocoa Grove July 4, 1912	1162
protocol of arbitration	1183

Page
Assault cases on American citizens in Panama—Continued.
fight at Cocoa Grove, February 14, 1915 1186
riot at Colon, April 2, 1915 1194
Attitude of the United States toward Latin America 25

B.

Bank of British West Africa (Ltd.), financial agreement with the Liberian Government, text 641
Battle y Ordóñez, José, President of Uruguay, message to the National Assembly 1309
Benton, W. S., estate in Mexico 1030
Bertrand, Francisco, President of Honduras, message to the Congress 550
Black Dragon Society of Japan. *See* China; relations between China and Japan, etc.
Blockade of the port of Progreso, Mexico 821
Bolivia:
boundary agreement with Paraguay 32
denunciation by the United States of article 34 of the treaty of May 13, 1858, between the United States and Bolivia 9
acceptance thereof by Bolivia 12
international conference on Mexico. *See* Mexico; international conference, etc.
treaty for the advancement of general peace between the United States and Bolivia 30
Boundary agreement, Bolivia and Paraguay 32
Boundary disputes:
Costa Rica and Panama 1131
attitude of the United States 1147, 1148
Boundary line between Panama and the Panama Canal Zone: convention defining 1123
Boundary line between the United States and Mexico:
agreement between the Governor of Sonora and the commander of the Constitutionalist forces for the neutralization of 789
violation of the above agreement 793, 801
measures taken by the United States 794, 801
firing and raids across, by Mexican troops and bandits 786, 796, 804, 811, 812, 813, 816, 819, 820
reciprocal arrangement for the crossing of, in pursuit of bandits 819
Brazil:
International conference on Mexico. *See* Mexico, international conference, etc.
message of President Wenceslau Braz P. Gomes to the Congress 34

C.

Cable messages, rules and regulations in Chile 36
Cabrera, Manuel Estrada, President of Guatemala, message to the Legislative Assembly 430
Cacos, revolutionists in Haiti 477
Canada:
Killing of Walter Smith and wounding of Charles Dorsch, American citizens, by soldiers of the Canadian Militia 414
payment of indemnities 420
Capitulations, attempted abrogation of, by Turkey 1301
Carranza, Venustiano, in charge of Executive Power in Mexico:
decrees 872, 878, 883, 900, 925, 942, 1003
manifesto 705
recognition of de facto Government of 767, 768, 771, 774
résumé of the history of the revolution instituted by 763
Catholic Church in Mexico, persecution 1004
Cházaro, Lagos, Provisional President of Mexico 700, 717
reply to statement of the President of the United States 712
Chesebrough Manufacturing Co., infringement of trade-mark in China 231
Chientao, Manchuria, rights of Korean residents 204
Chihuahua, Mexico, removal of Conventionist Government to 682

Chile: Page
international conference on Mexico, *See* Mexico; international conference, etc.
message of President Ramón Barros Luco to the Congress 35
rules and regulations for cable and wireless messages 36
China:
Chesebrough Manufacturing Co., trade-mark infringement case 231
Chientao, rights of Korean residents 204
Ch'ou An Hui, propaganda for the restoration of the monarchy 58
claims of American citizens against, *See* Claims.
constitutional reform: outline of the history of constitutional development 44
discrimination in freight rates on the South Manchuria Railway in favor of Japan 594
Goodnow, Dr. Frank J., American constitutional adviser to China.
memorandum on the merits of the republican and monarchical forms of Government 53
Huai River conservancy 212
infringement of American trade-marks 231
message of President Yuan Shih K'ai to the Council of State 61
monarchical government, movement to restore 44
naval coaling station, United States, in Fukien Province 113
Peace Planing Society propaganda 46, 49, 58
political affairs 44
protection by the United States of Chinese interests in—
Mexico 1087
Nicaragua 1119
Panama 1262
relations between China and Japan;
twenty-one demands on China 79
advisers, political, financial, military 160, 186, 189
arms and ammunition to be furnished by Japan 161, 165, 186, 189
Black Dragon Society of Japan, policy for the solution of Chinese question 132
Dairen, extension of lease 160, 167, 185, 187
Eastern Inner Mongolia 160, 165, 168, 185, 187, 189, 193
Fukien Province 161, 165, 168, 189, 193
Han-yeh-p'ing Iron and Coal Co 161, 168, 186, 189, 193
Hei Lung or Black Dragon Society of Japan, policy for the solution of Chinese question 132
Kiao-chow, leased territory, China's demand for restitution 142, 166, 192
Kirin-Changchun Railway 165, 188
land leases 160, 167, 185, 186, 188, 193
mines and mining 160, 164, 167, 186, 188
missionary propaganda, Japanese 161, 187
nonalienation of the coasts of China 150, 161, 165, 166, 168, 186, 189
official documents of negotiations, Japanese 159
official statement of negotiations, Chinese 178
police, joint Chinese and Japanese administration 161, 166, 186
Port Arthur, extension of lease 160, 167, 185, 187
policy of the United States 105
railways 160, 161, 165, 167, 185, 186, 187, 189, 192
residence and travel of Japanese 160, 185, 188
Shantung Province 160, 166, 185, 187, 192
South Manchuria 160, 167, 185, 187, 193
South Manchuria Railway 160, 167, 185, 187, 188
treaties and notes exchanged 171, 197
ultimatum of Japan to China 168, 194
acceptance by Chinese Government 170, 196
restriction of immigration of Chinese to Cuba, good offices of the United States 267
taxation, American citizens, stamp tax 216
treaty for the advancement of general peace between the United States and China 41
vaseline trade-mark case 231

Page
Ch'ou An Hui, propaganda for the restoration of the monarchy in China 49, 58
Circular instructions to American diplomatic and consular officers 3
Citizenship, dual 557, 559, 565, 569
Claims against:
China: return of unused portion of Boxer indemnity claims fund 206
Ecuador: Guayaquil and Quito Railway Company 340
Mexico 836
Coaling Station, United States Naval, in Fukien Province 113
Cocoa Grove, Panama, assaults on American citizens 1162, 1186
Code messages, rules and regulations in Chile 36
Colombia:
assumption of presidency by José Vicente Concha 258
treaty of April 6, 1914, between the United States and Colombia,
Correspondence relating to 259
Colon, Panama, riot at 1194
Commission, High, and First Pan American Financial Conference 20, 1310
Commission sent by Haiti to the United States 447, 458, 527, 531
Commission sent by the United States to Haiti to compose difficulties 464
Compagnie Française des Câbles Télégraphiques, a French company,
taxation of in the United States 390
Concha, José Vicente, President of Colombia, assumption of presidency 258
Conferences and Congresses, International:
Dry Farming Congress 17
Education, Congress on 16, 1310
Engineering Congress 16
Mexican Affairs Conference. *See* Mexico; international conference, etc.
Opium Conference, Third 1100
proclamation by the President of the United States 1311
ratifications 1103
Pan American Financial Conference and High Commission, First 20, 1310
Pan American Medical Conference 15
Pan American Scientific Congress, Second 18, 1310
Radio communication in the American hemisphere, informal conference 24
Consular officers, foreign, arrest of 404
Consulate, German, at Seattle, Wash., search by police officers 404
Conventions. *See* Treaties.
Copyright on unpublished musical works for reproduction by mechanical
contrivances. Reciprocal grant by the United States and Great Britain 423
Costa Rica:
boundary dispute between Costa Rica and Panama 1131
attitude of the United States 1147, 1148
Nicaraguan revolutionists, protest of the United States against the
presence in Costa Rica 264
protest against proposed Nicaragua Canal Treaty 1104
Cuba: restriction of immigration of Chinese to Cuba, good offices of
the United States 267
Customhouses in Haiti taken in charge by American naval forces 518

D.

Dairen. *See* China, relations, etc.
Dalny. *See* Dairen.
Dartiguenave, Sudre, President of Haiti:
election 480
recognition by the United States 490
De la Rosa, Mexican, raiding activities of 816
Demands, twenty-one, made by Japan on China 79
Denmark: treaty for the advancement of general peace, concluded be-
tween the United States and Denmark 276
Denunciation of treaties. *See* Treaties.
Diplomatic negotiations, military commanders not authorized in Mexico
to conduct 652
Disarmament of the Panaman police of high-power rifles 1221
Discrimination in freight rates on the South Manchuria Railway in
favor of Japan 594

Page

Dominican Republic:
embargo on exportation of arms and ammunition from Dominican Republic to Haiti 490
financial affairs; Dominican objection to the financial adviser. Attitude of the United States. Dominican commission sent to the United States. Appointment of customs employees 297
political affairs 279
revolutionary movements 279
Dorsch, Charles, wounding of, by soldiers of the Canadian Militia 414
indemnity paid by Canada 420
Dry Farming Congress, International 17
Dual citizenship 557, 559, 565, 569

E.

Eastern Inner Mongolia. *See* China, relations between China and Japan.
Ecuador:
Guayaquil & Quito Railway Company claims. Arbitration of case declared canceled by Ecuador.
suit against the company, protest by the United States 340
imprisonment of M. D. Strong 373
loan negotiations 353
Education, International Congress on 16, 1310
Eills, John, extradition from Japan refused by Japan 587
Embargo on:
exportation of arms and ammunition from Dominican Republic to Haiti 490
exportation of arms and ammunition to Mexico 780
exportation of sisal from Mexico 821
Embargoed goods, transportation of—from Russia to the United States, protocol of agreement 1285
Empresa de Agua, Mazatlan, expropriation 1040
Engineering, International Congress 16
Enlistment of Americans in foreign armies 25
Exchange of notes. *See* Treaties.
Expatriation of Americans by enlistment in foreign armies 25
Expropriation of the Empresa de Agua, Mazatlan 1040
Expositions:
Panama-California 1310
Panama-Pacific 1310
Expulsion of the Spanish Minister from Mexico 1049
Extraditions:
Eills, John, refused by Japan 587
Huerta, Gen. Victoriano:
application for, by Mexico 827
refused by the United States 834

F.

Financial agreement between Liberia and the Bank of British West Africa, (Ltd.) 641
Financial Conference and High Commission, First Pan American 20, 1310
Firing and raids across the boundary line by Mexican troops and bandits 786, 796, 804, 811, 812, 813, 815, 816, 819, 820
Fonseca Bay, Central America, description of 1115
Forced loans imposed upon American citizens and other foreigners in Mexico 983
France:
invasion of the French legation in Haiti by revolutionists 475
Korrigan II, seizure in Mexico 1056
liability to French military service of naturalized American citizens of French origin and of American-born children of French parentage 384
Morocco, French protectorate in; protest of the United States against the removal of certain cases from the civil to the French military courts 1097
protection of French interests in Mexico by the United States 1056

Page

France—Continued.
taxation of the Compagnie Française des Câbles Télégraphiques in the United States 390
treaty for the advancement of general peace, between the United States and France 380
agreement extending time for appointment of commission under above treaty 383
Freight rates on the South Manchuria Railway, discrimination in favor of Japan 594
Fukien Province:
United States naval coaling station in 113
See also China: relations between China and Japan.

G.

Garza, Roque Gonzales, Provisional President of Mexico 646
deposed as President 700, 717
removal of government to Chihuahua 682
reply to the statement of the President of the United States 697, 699
statements 644, 646
Germany:
Arrest of W. Müller, German consul at Seattle, Wash., and search of the consulate by police officers 404
Forced loans imposed upon Germans in Mexico. See Mexico: forced loans, etc.
protection of German interests in Mexico by the United States 1071
Gomes, Wenceslau Braz P., President of Brazil, message to the Congress 34
Goodnow, Dr. Frank J., American constitutional adviser to China 53
Great Britain:
agreement between the United States and Great Britain extending time for appointment of commission under the treaty of September 15, 1914 413
caveat against the payment by the United States to Nicaragua of money provided in the proposed canal treaty unless British claims against Nicaragua are settled 1118
denunciation by the United States of the Treaty of June 3, 1892, between the United States and Great Britain 6
acceptance thereof by Great Britain 11
denunciation by the United States of the treaty of October 2, 1886, between the United States and the King of Tonga, acceptance thereof by Great Britain 11
estate of W. S. Benton in Mexico 1030
killing of Walter Smith and wounding of Charles Dorsch, American citizens, by soldiers of the Canadian militia 414
payment of indemnities 420
protection of British interests in Mexico by the United States 1030
reciprocal grant by the United States and Great Britain of copyright on unpublished musical works for reproduction by mechanical contrivances 423
Guatemala:
agreement between the United States and Guatemala extending time for appointment of commission under the treaty of September 20, 1913 429
international conference on Mexico. *See* Mexico, international conference, etc.
message of President Manuel Estrada Cabrera to the Legislative Assembly 430
Guayaquil & Quito Railway Co. *See* Ecuador.
Guillaume Sam, Vilbrun, President of Haiti:
election 467
murder 475
Gutierrez, Eulalio, Provisional President of Mexico:
deposed as provisional president 645
evacuation of Mexico City by 644
manifesto 647
statements 643, 676

H.

Haiti: Page
Cacos, revolutionists in 477
controversy between the National Railroad Company of Haiti and the Haitian Government 538
customhouses taken in charge by American naval forces 518
Dartiguenave, Sudre, President of Haiti:
election 480
recognition by the United States 490
difficulties between the National Bank of the Republic of Haiti and the Haitian Government 496
embargo on the exportation of arms and ammunition from Dominican Republic to Haiti 490
financial affairs. Customhouses taken in charge by American naval forces 518
Haitian Commission sent to the United States 447, 458, 527, 531
invasion of the French Legation in Haiti by revolutionists 475
landing of American marines 476
martial law in Haiti, proclamation 484
political affairs; revolutionary movements; escape of President Théodore; election of President Vilbrun Guillaume Sam. Commission sent to Haiti by the United States to compose difficulties; murder of President Guillaume; landing of American marines and pacification of Haiti by American forces. Election of President Sudre Dartiguenave; recognition of his government by the United States 461
Sam, Guillaume Vilbrun, President of Haiti:
election 467
murder 475
Théodore, Davilmar, President of Haiti, escape from Haiti 465
treaty between the United States and Haiti for the financial and economic development and tranquillity of Haiti; conclusion of a modus vivendi 431, 460
Han-yeh-p'ing Iron and Coal Co. *See* China; relations between China and Japan.
Harrison, William T., payment by Panama of an indemnity for the death of, due to torture in prison 1240
Hei Lung Society of Japan. *See* China; relations between China and Japan.
High Commission, International, on uniform legislation 1310
Honduras:
message of President Francisco Bertrand to the Congress 550
Howard, Daniel E., President of Liberia, message to the Legislature 626
Huai River conservancy 212
Huerta, General Victoriano:
application by Mexico for the extradition of 827
extradition refused by the United States 834

I.

Immigration: Cuba, restriction of Chinese 267
Imprisonment of M. D. Strong in Ecuador 373
Indemnity paid by Canada for the killing of Walter Smith and the wounding of Charles Dorsch by soldiers of the Canadian militia 420
Indemnity paid by Panama for the death of William T. Harrison 1240
Infringement of American trade-marks in China 231
International conventions. *See* Treaties.
International conferences and congresses. *See* Conferences and congresses.
International expositions. *See* Expositions.
International High Commission on uniform legislation 20, 1310
International Relief Committee, Mexico City, appeals to the United States for assistance 653, 654, 674, 689
Italy:
American citizens held liable to military service 554
treaty for the advancement of general peace between Italy and the United States 551

Italy—Continued.
agreement extending time for appointment of commission under article 2 of above treaty 553

J.

Page
Japan:
coronation of Emperor Yoshihito 585
discrimination in freight rates on the South Manchuria Railway in favor of imports from Japan 594
documents of negotiations with China. *See* China; relations, etc.
extradition of John Eills refused 587
policy of the United States in relation to China and Japan 105
relations between China and Japan; twenty-one demands on China .. 79
residence and travel of Japanese in China. *See* China; relations, etc.

K.

Kiao-chow, leased territory. *See* China; relations between China and Japan, etc.
Killing of Corporal Maurice Langdon, U. S. Army, in Panama 1194
Killing of Walter Smith by soldiers of the Canadian militia 414
payment of an indemnity 420
Kirin-Changchun Railway. *See* China; relations, etc.
Koreans, rights of, in Chientao, Manchuria 204

L.

Land leases in China. *See* China; relations, etc.
Langdon, Maurice, Corporal U. S. Army, killing of, in the riot of April 2, 1915, at Colon 1194
Latin America, attitude of the United States toward 25
Legislation, uniform, International High Commission on 1310
Liberia:
financial affairs 635
agreement between Liberia and the Bank of British West Africa (Ltd.), text 641
message of President Daniel E. Howard to the Legislature 626
political affairs, uprisings of native tribes. Assistance rendered by the United States 627
Los Mochis, Sinaloa, depredations of Yaqui Indians on Americans 841
Luco, Ramón Barros, President of Chile, message to the Congress 35

M.

Manchuria, South, discrimination in freight rates in favor of Japan 594
See also China; relations between China and Japan.
Marines, American, landing in Haiti 476
Martial law in Haiti, proclamation 484
McManus, John R., murder of in Mexico 866
Messages of the Presidents of:
Argentina 28
Brazil 34
Chile 35
China 61
Guatemala 430
Honduras 550
Liberia 626
Salvador 1288
United States IX
Uruguay 1309
Mexico:
American citizens advised to leave 838
American Society appeals and statements 665, 672, 679, 689, 700, 728, 730, 762
appeal and statement made by the President of the United States to the various chiefs 694

Mexico—Continued. Page
application for the extradition of General Victoriano Huerta from the United States 827
extradition refused by the United States 834
assumption of political authority, by General Villa 650
manifesto and decree 662
Benton, W. S., estate of 1030
blockade of the port of Progreso 821
boundary line between the United States and Mexico—
agreement between the Governor of Sonora and the commander of the Constitutionalist forces for the neutralization of 789
violation of above agreement 793, 801
measures taken by the United States 794, 801
firing and raids across, by Mexican troops and bandits 786, 796, 804, 811, 812, 813, 816, 819, 820
reciprocal arrangement for the crossing of the boundary line in pursuit of bandits 819
Carranza, Venustiano, in charge of Executive Power—
decrees—
Laguna cotton, Nov. 7, 1915 1003
mining taxation, March 1, 1915 900
mining taxation, June 19, 1915 (2) 925
mining taxation, Aug. 31, 1915 942
oil lands, Jan. 7, 1915 872
oil lands on federal zone, Jan. 29, 1915 878
property manifesto, Sept. 19, 1914 883
manifesto 705
recognition of defacto government of, by—
Argentina 771, 774
Bolivia 767, 771
Brazil 768, 771, 774
Chile 768, 771, 774
Guatemala 771, 774
United States 771
Uruguay 771, 774
résumé of the history of the revolution instituted by 763
transfer of government to Vera Cruz 649
Catholic Church, persecution of 1004
Cházaro, Lagos, Provisional President 717, 700
reply to statement of the President of the United States 712
claims of American citizens against Mexico 836
Conventionist government, removal to Chihuahua 682
De la Rosa, raiding activities of 816
diplomatic negotiations, military commanders not authorized to conduct 652
embargo by the United States on the exportation of arms and ammunition to Mexico 780
proclamation by the President of the United States 772, 780
embargo by Mexico on the exportation of sisal 821
expropriation of the Empresa de Agua at Mazatlan, protest of the United States 1040
expulsion of the Spanish Minister 1049
firing and raids across the boundary line by Mexican troops and bandits 786, 796, 804, 811, 812, 813, 815, 816, 819, 820
forced loans imposed on American citizens and other foreigners 983
Garza, Roque Gonzales, Provisional President—
deposed as President 700, 717
removal to Chihuahua 682
reply to the statement of the President of the United States 697, 699
statements 644, 646
Gutierrez, Eulalio, Provisional President—
deposed as provisional president 645
evacuation of Mexico City by 644
manifesto 647
statements 643, 676

Page

Mexico—Continued.
International conference on Mexican affairs between the United States, Argentina, Brazil, Chile, Bolivia, Uruguay, and Guatemala ... 723, 724, 729, 730, 734, 745, 750, 751 754, 767, 770
communication to Mexican military and civil authorities ... 735
replies thereto ... 737, 744, 746, 750, 766
comments on replies ... 748, 751
International Relief Committee, appeals to the United States for assistance ... 653, 654, 674, 689
Los Mochis, Sinaloa, depredations of Yaqui Indians in ... 841
Mexico City—
occupation and evacuation by different factions ... 648, 649, 668, 669, 723, 727, 731, 732
transfer of the Carranza government to Vera Cruz ... 649
transfer of the Conventionist government to Chihuahua ... 682
military commanders not authorized to conduct diplomatic negotiations ... 652
munitions of war, embargo on the exportation of, to Mexico. Opinion of the Attorney General ... 783
murder of John R. McManus, American citizen ... 866
nuns and priests, outrages upon ... 1007
political affairs, International conference on Mexican affairs of the United States, Argentina, Brazil, Chile, Bolivia, Uruguay, and Guatemala. Recognition of the Carranza de facto Government by the conferring Powers ... 643
protection of American—
citizens and interests ... 837
mining interests ... 892
oil interests ... 870
protection of foreign interests by the United States ... 1030
British, estate of W. S. Benton ... 1030
Chinese ... 1087
French, seizure of *Korrigan II* ... 1056
German ... 1071
Spanish ... 1032
expropriation of the Empresa de Agua, Mazatlan ... 1040
expulsion of the Spanish Minister ... 1049
Turkish ... 1072
protests of the United States against—
attitude assumed by Genl. Obregon toward residents in Mexico City ... 659
expropriation of the Empresa de Agua at Mazatlan ... 1040
religious orders, treatment of ... 1004
representations concerning protection of foreign interests, must be made by the respective accredited representatives in Mexico ... 1045
résumé of the history of the revolution instituted by Venustiano Carranza ... 763
statement by the President of the United States concerning Mexico ... 694
taxation of American citizens ... 963
payment of taxes to non-Carranza Governments not valid ... 970
transportation of wounded Mexican soldiers through the United States ... 825
Vera Cruz designated seat of government by Genl. Carranza ... 649
Villa, Genl. Francisco:
assumption of political authority ... 650
manifesto and decree ... 662
decrees:
mining properties, March 9, 1915 ... 894
ore tax, March 19, 1915 ... 905
payment of mine employees, May 4, 1915 ... 914
real and personal property, May 7, 1915 ... 692
deposed from command by Provisional President Gutierrez ... 647
reply to statement of the President of the United States ... 701
withdrawal of American citizens from Mexico ... 837
Yaqui Valley, danger to Americans in ... 839, 841
Yucatan, closure of ports of ... 821

Page
Mexico City:
attitude of Genl. Obregon towards residents in, protest of the United States 659
occupation and evacuation by different factions 648
649, 668, 669, 723, 727, 731, 732
transfer of Carranza Government to Vera Cruz 649
Military services, liability of American citizens in:
France 384
Italy 554
Mines and mining in China. *See* China; relations between China and Japan.
Mining regulations in Mexico, affecting foreign property rights 892
Missionary propaganda, Japanese in China. *See* China; relations.
Modus vivendi concluded between the United States and Haiti for the financial and economic development and tranquillity of Haiti 460
Mongolia, Eastern Inner. *See* China; relations between China and Japan.
Monarchial government, movement to restore, in China. *See* China.
Morocco; French protectorate in Morocco; protest of the United States against removal of certain cases from civil to the French military courts 1097
Mukden-Antung Railway; discrimination in freight rates in favor of Japan 594
Müller, W., German Consul, arrest of 404
Munitions of war:
embargo on the exportation to Mexico 780
opinion of the Attorney General as to what constitutes 783
Murder of:
McManus, John P., American citizen in Mexico 866
Sam, Guillaume Vilbrun, President of Haiti 475
Musical works, reciprocal grant of copyright by the United States and Great Britain 423

N.

National Bank of the Republic of Haiti; difficulties with the Haitian Government 496
National Railroad Company of Haiti, controversy with the Haitian Government 538
Nationality, dual 557, 559, 565, 569, 570
Naval coaling station, United States, in Fukien Province 113
Naval station, United States, proposed at Fonseca Bay, Central America 1115
Netherlands:
arbitration agreement between the United States and the Netherlands extending the duration of the convention of May 2, 1908 1099
Third International Opium Conference—
final protocol. Protocol of ratification 1100
proclamation by the President of the United States 1311
ratifications of convention 1103
Nicaragua:
canal treaty, proposed, with the United States, and protests of Costa Rica and Salvador in relation thereto 1104
caveat of Great Britain against the payment by the United States to Nicaragua of money provided in the proposed canal treaty unless British claims are settled 1118
protection by the American Legation of Chinese residing in Nicaragua 1119
protest of the United States against the presence in Costa Rica of Nicaraguan revolutionists 264
Norway:
agreement between the United States and Norway extending time for appointment of the commission under article 2 of the treaty of June 24, 1914 1122
Notes, Exchange of. *See* Treaties.
Nuns and priests in Mexico, outrages on 1007

O.

Oil interests, American, in Mexico 870
Opinion of the Attorney General, munitions of war 783

Page
Opium Conference, Third International—
final protocol. Protocol of ratification 1100
proclamation by the President of the United States 1311
ratifications 1103

P.

Pan-American Financial Conference, First, and High Commission 20, 1310
Pan-American Medical Conference 15
Pan-American Scientific Congress, Second 18, 1310
Panama:
arbitration of assault case on American citizens in Panama July 4, 1912, protocol 1183
assaults on American citizens 1162
riot at Cocoa Grove July 4, 1912 1162
protocol of arbitration 1183
fight at Cocoa Grove February 14, 1915 1186
riot at Colon April 2, 1915 1194
boundary dispute between Costa Rica and Panama 1131
attitude of the United States 1147, 1148
control by the United States of wireless telegraph stations in Panama 1155
convention between the United States and Panama defining the boundary line of the Panama Canal Zone 1123
killing of Corporal Maurice Langdon, U. S. Army, in the riot of April 2, 1915, at Colon 1194
payment of an indemnity for the death of William T. Harrison, an American citizen, due to torture in prison 1240
proposal to demand delivery to the Canal authorities of the rifles of the Panaman police, for storage 1221
protection by the United States of Chinese interests 1262
Panama-California exposition 1310
Panama Canal, postponement of opening of 12
Panama Canal Zone, convention defining the boundary line of 1123
Panama-Pacific exposition 1310
Panama City, assaults on American citizens 1162, 1186
Paraguay:
boundary agreement with Bolivia 32
treaty for the advancement of general peace between the United States and Paraguay 1275
agreement extending time for appointment of the commission under article 2 of above treaty 1277
Peace Planning Society, propaganda for the restoration of the monarchy in China 46, 49, 58
Peru: treaty for the advancement of general peace between the United States and Peru 1279
Plaza, Victorino de la, President of Argentina, message to the Congress 28
Policy of the United States in relation to China and Japan 105
Port Arthur. *See* China, relations, etc.
Portugal: agreement extending time for appointment of the commission under article 2 of the treaty of Feb. 4, 1914 1282
President of the United States:
address, annual, of President Woodrow Wilson to the Congress IX
proclamations 425, 772, 780
See also Treaties.
statement concerning Mexico 694
Presidents of:
Argentina: message of President Victorino de la Plaza to the Congress 28
Brazil: message of President Wenceslau Braz P. Gomes to the Congress 34
Chile: message of President Ramón Barros Luco to the Congress 35
China: message of President Yuan Chih K'ai to the Council of State (Li Fa Yuan) 61
Colombia: Jose Vicente Concha, assumption of presidency 258
Guatemala: message of President Manuel Estrada Cabrera to the Legislative Assembly 430

Presidents of—Continued.
Haiti:
Page
election of President Sudre Dartignenave 480
election of President Vilbrun Guillaume Sam 467
escape of President Davilmar Théodore from Haiti 465
murder of President Vilbrun Guillaume Sam 475
recognition of President Dartignenave by the United States 490
Honduras: message of President Francisco Bertrand to the Congress 550
Liberia: message of President Daniel E. Howard to the Legislature 626
Mexico:
Carranza, Venustiano—
decrees by 872, 878, 883, 900, 925, 942, 1003
manifesto 705
recognition of the de facto Government of 767, 768, 771, 774
résumé of the history of the revolution instituted by 763
Cházaro, Lagos, Provisional President 700, 717
reply to statement of the President of the United States 712
Garza Roque Gonzales, Provisional President 646
deposed as President 700, 717
removal to Chihuahua 682
reply to statement of the President of the United States 697, 699
statements 644, 646
Salvador: message of President Alfonso Quiñones M. to the National Assembly 1288
Uruguay: message of President José Battle y Ordóñez to the National Assembly 1309
Priests, Spanish, persecution in Mexico 1007, 1017
Proclamations by:
the President of the United States 425, 772, 780
See also Treaties.
Admiral Caperton in Haiti 484
Progreso, Mexico, blockade of the port of 821
Protection of American interests in Mexico:
American citizens and interests 837
mining interests 892
oil interests 870
Protection of foreign interests by the United States in:
Cuba: Chinese 267
Mexico:
British 1030
Spanish 1032
French 1056
German 1071
Turkish 1072
Chinese 1087
representations must be made by respective accredited representatives in Mexico 1045
Nicaragua: Chinese 1119
Panama: Chinese 1262
Turkey: Swiss 1294
Protectorate, French, in Morocco 1097
Protests of Costa Rica and Salvador against the proposed interoceanic canal treaty between the United States and Nicaragua 1104
Protests of the United States against:
attitude assumed by Genl. Obregon toward residents in Mexico City 659
discrimination in freight rates on the South Manchuria Railway 594
expropriation of the Empresa de Agua at Mazatlan, Mexico 1040
presence in Costa Rica of Nicaraguan revolutionists 264
removal of certain cases from the civil to the French military courts in Morocco 1097

Q.

Quiñones M., Alfonso, President of Salvador, message to the National Assembly 1288

R.

Page
Radio communication in the American Hemisphere, informal conference 24
Railway rates, discrimination in freight rates on the South Manchuria Railway in favor of Japan 594
Raids and firing across the boundary line by Mexican troops and bandits 786, 796, 804, 811, 812, 813, 815, 816, 819, 820
Railway concessions in China. *See* China; relations between China and Japan, etc.
Recognition by the United States of new governments in:
Haiti 771
Mexico 490
Red Cross, American National, Huai River conservancy 212
Religious orders in Mexico, treatment of 1004
Residence and travel of Japanese in China. *See* China; relations, etc.
Revolution in:
Dominican Republic 279
Haiti 461
Mexico, résumé of the revolution instituted by Venustiano Carranza 763
Russia:
protocol of agreement between the United States and Russia concerning the exportation of embargoed goods to the United States 1285
treaty for the advancement of general peace between the United States and Russia 1283

S.

Salvador:
message of President Alfonso Quiñones M. to the National Assembly 1288
protest against proposed Nicaragua Canal treaty 1104
Sam, Guillaume Vilbrun, President of Haiti:
election 467
murder 475
Samsah Inlet (Bay), United States Naval coaling station 113
Scientific Congress, Second Pan-American 18, 1310
Seamen's Act of March 4, 1915:
abrogation of provisions of certain treaties conflicting with 3
application of Sec. 13 to foreign vessels 26
Seattle, Wash., search of German consulate by police officers 404
Shantung Province. *See* China; relations between China and Japan.
Sisal, embargo on the exportation from Mexico 821
Smith, Walter:
killing of, by soldiers of the Canadian militia 414
indemnity paid by Canada 420
South Manchuria. *See* China; relations, etc.
South Manchuria Railway, discrimination in freight rates in favor of Japan 594
Spain:
agreement between the United States and Spain extending time for appointment of the commission under article 2 of the treaty of Sept. 15, 1914 1289
expropriation of the Empresa de Agua at Mazatlan, Mexico 1040
expulsion of Spanish Minister from Mexico 1049
protection of Spanish interests in Mexico by the United States 1032
Spanish priests in Mexico, persecution of 1007, 1017
Strong, M. D., imprisonment in Ecuador 373
Sweden:
treaty for the advancement of general peace, between the United States and Sweden 1290
agreement extending time for appointment of the commission under article 2 of above treaty 1293
Switzerland:
protection by the United States of citizens of Switzerland in Turkey 1294

T.

Taxation, American citizens in:
China, stamp tax 216

Taxation, American citizens in—Continued. Page
Mexico 903
payment of taxes to non-Carranza governments not valid 970
Taxation of foreigners in the United States: France: Conpagnie Française des Câbles Télégraphiques 300
Telegraph stations, wireless, in Panama, control of by the United States 1155
Théodore, Davilmar, President of Haiti; escape from Haiti 465
Tonga, denunciation by the United States of the treaty of Oct. 2, 1886, between the United States and the King of Tonga 11
acceptance thereof by Great Britain 11
Torture of William T. Harrison, American citizen, in prison in Panama 1240
Trade-marks, American, infringement in China 231
Travel and residence of Japanese in China. *See* China; relations, etc.
Treaties: by country—
Bolivia and Paraguay: boundary agreement 32
Bolivia and the United States—
denunciation of article 34 of the treaty of May 13, 1858 9
acceptance thereof by Bolivia 12
treaty for the advancement of general peace 30
China and Japan: twenty-one demands of Japan on China 171, 197
China and the United States: treaty for the advancement of general peace 41
Columbia and the United States: treaty of April 6, 1914, correspondence relating to 259
Denmark and the United States: treaty for the advancement of general peace 276
France and the United States—
treaty for the advancement of general peace 380
agreement extending time for appointment of commission under article 2 of above treaty 383
Great Britain and the United States—
agreement extending time for appointment of commission under the treaty of September 15, 1914 413
denunciation of the treaty of June 3, 1892, by the United States 6
acceptance thereof by Great Britain 11
denunciation of the treaty of October 2, 1886, between the United States and the King of Tonga, by the United States 11
acceptance thereof by Great Britain 11
Guatemala and the United States: agreement extending time for appointment of commission under the treaty of September 20, 1913 429
Haiti and the United States: financial and economic development of Haiti; conclusion of a modus vivendi 431, 460
International—
Third International Opium Conference—
final protocol, protocol of ratification 1100
proclamation by the President of the United States 1311
ratifications of convention 1103
Italy and the United States—
treaty for the advancement of general peace 551
agreement extending time for appointment of commission under treaty of May 5, 1914 553
Japan and China: twenty-one demands of Japan on China 171, 197
Netherlands and the United States: arbitration agreement extending the duration of the convention of May 2, 1908 1099
Nicaragua and the United States: canal treaty, proposed interoceanic 1104
Norway and the United States: arrangement extending time for appointment of the commission under article 2 of the treaty of June 24, 1914 1122
Panama and the United States—
convention defining the boundary line of the Panama Canal Zone 1123
protocol concerning the determination of the amount of damages caused by the riot at Panama City, July 4, 1912 1183
Paraguay and Bolivia: boundary agreement 32
Paraguay and the United States—
treaty for the advancement of general peace 1275

Treaties: by country—Continued.
Page
Paraguay and the United States—Continued.
agreement extending time for appointment of the commission under article 2 of above treaty 1277
Peru and the United States: treaty for the advancement of general peace 1279
Portugal and the United States: agreement extending time for appointment of the commission under article 2 of the treaty of Feb. 4, 1914 1282
Russia and the United States:
treaty for the advancement of general peace 1283
protocol of agreement concerning the exportation of embargoed goods from Russia to the United States 1285
Spain and the United States: agreement extending time for appointment of commission under article 2 of the treaty of September 15, 1924 1289
Sweden and the United States—
treaty for the advancement of general peace 1290
agreement extending time for appointment of the commission under article 2 of above treaty 1293
Tonga and the United States. *See* Treaties: by country, Great Britain.
Uruguay and the United States: treaty for the advancement of general peace 1307
United States. (Indexed under the names of the other contracting countries.)
Treaties: by subject—
arbitration—
United States and Netherlands, agreement extending the duration of conventions of 1908 and 1909 1099
United States and Panama, protocol concerning the determination of the amount of damages caused by the riot at Panama City, July 4, 1912 1183
boundary agreement between Bolivia and Paraguay 32
boundary line of the Panama Canal Zone, convention between the United States and Panama defining the 1123
canal, proposed interoceanic, United States and Nicaragua 1104
embargoed goods, protocol of agreement between the United States and Russia concerning the exportation of embargoed goods from Russia to the United States 1285
financial and economic development, United States and Haiti, conclusion of a modus vivendi 431, 460
opium, Third International Opium Conference, final protocol, protocol of ratification 1100
proclamation by the President of the United States 1311
ratifications of convention 1103
peace, advancement of general, text of treaties between the United States and—
Bolivia 30
China 41
Denmark 276
France 380
agreement extending time for appointment of commission under article 2 of above treaty 383
Great Britain, agreement extending time for appointment of commission under the treaty of September 15, 1914 413
Guatemala, agreement extending time for appointment of commission under the treaty of September 20, 1913 429
Italy 551
agreement extending time for appointment of commission under the treaty of May 5, 1914 553
Norway, arrangement for extending time for appointment of the commission under article 2 of the treaty of June 24, 1914 1122
Paraguay 1275
agreement extending time for appointment of the commission under article 2 of above treaty 1277
Peru 1279

Treaties: by subject—Continued.
peace, advancement of general, text of treaties, etc.—Continued. Page
Portugal, agreement extending time for appointment of the commission under article 2 of the treaty of February 4, 1914 1282
Russia 1283
Spain, agreement extending time for appointment of the commission under article 2 of the treaty of September 15, 1914 1289
Sweden 1290
agreement extending time for appointment of the commission under article 2 of above treaty 1293
Uruguay 1307
relations—
China and Japan, twenty-one demands by Japan on China 171, 197
United States and Colombia, treaty of April 6, 1914, correspondence relating to 259
Seamen's Act of March 4, 1915, abrogation of provisions of certain treaties, conflicting with 3
Twenty-one demands of Japan on China 171, 197
Turkey:
abrogation, attempted, by Turkey of the capitulations; refusal of the United States to acquiesce 1301
protection of Swiss interests in Turkey by the United States 1294
protection of Turkish interests in Mexico by the United States 1072
Twenty-one demands made by Japan on China 79

U.

United States:
address, annual, of President Woodrow Wilson to the Congress IX
arrest of foreign consular officer in 404
attitude of, toward Latin America 25
embargo on the exportation of arms and ammunition to Mexico 780
proclamation by the President 772, 780
international conference on Mexico. *See* Mexico, international conference, etc.
naval coaling station in Fukien Province, China 113
naval station, proposed, at Fonseca Bay, Central America 1115
policy in relation to China and Japan 105
protests against—
attitude assumed by General Obregon toward residents of Mexico City 659
discrimination in freight rates on the South Manchuria Railway 594
expropriation of the Empresa de Agua at Mazatlan, Mexico 1040
presence in Costa Rica of Nicaraguan revolutionists 264
removal of certain cases from the civil to the French military courts in Morocco 1097
reciprocal grant by the United States and Great Britain of copyright on unpublished musical works for reproduction by mechanical contrivances 423
taxation of the Compagnie des Câbles Télégraphiques, a French company 390
Uruguay:
international conference on Mexico. *See* Mexico, international conference, etc.
message of President José Battle y Ordóñez to the National Assembly 1309
treaty for the advancement of general peace between the United States and Uruguay 1307

V.

Vaseline trade-mark case in China 231
Vera Cruz, designated capital of Mexico by Genl. Carranza 649
Vessels, foreign, application of section 13 of the Seamen's Act of March 4, 1915 26
Villa, Francisco:
assumption of political authority 650
manifesto and decree 662

Page
Villa, Francisco—Continued.
decrees 662, 692, 894, 905, 914
deposed from command by Provisional President Gutierrez 347
reply to statement of the President of the United States 701

W.

War of 1914–1919, note 1
War munitions:
embargo on the exportation to Mexico 780
opinion of the Attorney General 783
Wilson, Woodrow, President of the United States, address, annual, to the Congress IX
proclamations 425, 772, 780
See also Treaties.
statement concerning Mexico 694
Wireless messages, rules and regulations in Chile 36
Wireless telegraph stations in Panama, control of, by the United States 1155
Wireless. *See also* Radio.
Withdrawal of American citizens from Mexico 837

Y.

Yaqui Indians, depredations of at Los Mochis, Sinaloa 839, 841
Yaqui Valley, Mexico, danger to American citizens in 839, 841
Yoshihito, Emperor of Japan, coronation 585
Yuan Chih K'ai, President of China, message to the Council of State (Li Fa Yuan) 61
Yucatan, Mexico, closure of ports of 821
Yung Ch'i Hsiang et al., infringement of the Chesebrough Manufacturing Company's vaseline trade-mark in China 231

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